

STATE OF IOWA, Pottawattamie County
Filed for record the 23 day of March
1972 at 10:25 o'clock AM and recorded
in book 72 page 3769

Dorothy Letner
Recorder

COMPARED

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CITY ORDINANCE NUMBER 3967

AN ORDINANCE to amend the Municipal Code of the City of Council Bluffs, Iowa, by repealing in its entirety TITLE 15 ZONING, as now set forth therein, and enacting a new TITLE 15 ZONING in lieu thereof; and repealing all other Ordinances, Rules and Regulations or portions thereof in conflict herewith.

BE IT ORDAINED:

SECTION 1. That the Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by repealing in its entirety TITLE 15 ZONING, as now set forth therein, and enacting a new TITLE 15 ZONING in lieu thereof, as follows:

T I T L E 1 5

Z O N I N G

CHAPTER 15.01

TITLE

15.01.010 Title: This Ordinance shall be known and may be cited as the "Zoning Ordinance of the City of Council Bluffs, Iowa."

STATE OF IOWA, Pottawattamie County
Filed for record the 23 day of March
1972 at 10:25 clock AM and recorded
In book 72 page 3769

Dorothy Letner
Recorder

By Deputy

COMPARED

CHAPTER 15.02

INTERPRETATION OF STANDARDS

15.02.010 Interpretation of Standards: In their interpretation and application, the provisions of this Ordinance shall be held to the minimum requirements. Where this ordinance imposes a greater restriction than is imposed or required by other provisions by law or by other rules or regulations or ordinances, the provisions of this ordinance shall control.

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CHAPTER 15.03

DEFINITIONS

15.03.010 The following delineated words, terms and phrases for the purpose of this Title shall be interpreted as having the meanings attributed thereto in the following Sections of this Chapter.

15.03.020 Accessory Structure or Use: A structure or use incidental and subordinate to the main or principal use of the property and which structure or use is located on the same lot with the main or principal use.

15.03.030 Alley: A narrow street, public or private, extending through a block and designed primarily for vehicular service access to the rear or side of property which otherwise abuts on another street.

15.03.040 Apartment House: A building designed or constructed to contain three (3) or more families therein in individual dwelling units independent of one another.

15.03.050 Basement: That portion of a building between the floor and ceiling which is partly below and partly above (established) grade, so located, however, that the vertical distance from said grade to the floor below is less than the vertical distance from the grade to the ceiling.

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15.03.060 Billboard: A structure especially constructed for the display and/or advertising of characters, posters and other materials attached to the surface of such structure and commonly referred to as a poster board together with such other structures of a similar nature on which the advertising or display is painted and which are commonly referred to as paint boards, the area of which is in excess of seventy-two (72) square feet. (See Section 3.10.010 of Chapter 3.10 -- BILLBOARDS AND BULLETIN BOARDS).

15.03.070 Board of Adjustment: The Board of Adjustment of the City of Council Bluffs, Iowa, as established by the Code of Iowa and this ordinance.

15.03.080 Boarding, Lodging or Rooming House: A building where lodging, with or without meals, is provided for compensation for no more than five (5) guests.

15.03.090 Building: An edifice or structure of any kind or any piece of work artificially built up, constructed or composed of parts joined together in some definite manner. (See 'structure' defined herein).

15.03.100 Building Code: The current Uniform Building Code, as adopted by the City of Council Bluffs, Iowa.

15.03.110 Building Official: Chief Building Official of the City of Council Bluffs, Iowa.

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15.03.120 Cellar: That portion of a building between the floor and ceiling which is wholly or partly below (established) grade, and so located that the vertical distance from said grade to the floor below is equal to or greater than the vertical distance from said grade to the ceiling.

15.03.130 City: The City of Council Bluffs, Iowa.

15.03.140 City Clerk: The City Clerk of the City of Council Bluffs, Iowa.

15.03.150 City Council: The City Council of the City of Council Bluffs, Iowa.

15.03.160 City Manager: The City Manager of the City of Council Bluffs, Iowa.

15.03.170 Conditional Use: The use to which the land or property may be put which is one other than the outright main or principal use in existence or specifically designated therefor, as provided by this ordinance.

15.03.180 Day Care Center or Nursery School or Day Nursery: Children's boarding home whether a private family home, institution, or a voluntary organization or association, which receives for temporary care and training, six (6) or more children during part of the 24-hour day, shall be designated a "day care center", "nursery school" or "day nursery", depending upon the emphasis of its program.

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- 15.03.190 Dwelling, Condominium: A multi-family dwelling whereby the fee title to each dwelling unit is held independently of the others.
- 15.03.200 Dwelling, Cooperative: A multi-family dwelling whereby the fee title to each dwelling unit is held jointly by the owners of all the dwelling units and in which the majority of units are owner-occupied.
- 15.03.210 Dwelling, Duplex or Two-Family: A detached building designed or constructed to contain two (2) families residing in individual dwelling units independently of one another.
- 15.03.220 Dwelling, Multi-Family: To be considered synonymous with the definition of apartment house set out in Section 15.03.040.
- 15.03.230 Dwelling, Single-Family: A detached building designed or constructed to contain one (1) family residing in an independent dwelling unit.
- 15.03.240 Dwelling Unit: A suite of one or more habitable rooms which are occupied or which are intended or designed to be occupied by one (1) family with facilities for living, sleeping, cooking and eating; exclusive, however, of mobile homes.
- 15.03.250 Eleemosynary Use: A use exclusively devoted to and supported by a charity.

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15.03.260 Employee: A person employed by another, or a firm, etc., for wages or salary.

15.03.270 Family: Two (2) or more persons related by blood, marriage, adoption or legal guardianship living together in a dwelling unit in which meals or lodging may also be provided.

15.03.280 Fence, Sight Obscuring: A fence or a planting arranged in such a way as to obstruct vision.

15.03.290 Garage, Private: An enclosed structure intended for and used for the parking of the private motor vehicles of the families resident upon the premises.

15.03.300 Garage, Public: A building other than a private garage used for the care and repair of motor vehicles or where such vehicles are parked or stored for compensation, hire or sale.

15.03.310 Grade (Ground Level): The average of the finished ground level at the center of all walls of the building. In case of parallel to and within five (5) feet of a sidewalk, the ground level should be measured at the sidewalk.

15.03.320 Group Care Home: A boarding home whether sponsored by religious, governmental, or private factions, which provides living quarters and personal care on a long-term basis.

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- 15.03.330 Height of Building: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.
- 15.03.340 Home Occupation: A use conducted entirely within a dwelling and carried on by the inhabitants therein, and no others, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof as specified in Chapter 15.20.
- 15.03.350 Hospital: An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical or surgical care and nursing service on a continuous basis.
- 15.03.360 Hotel: A building in which lodging is provided for guests for compensation and in which no provision is made for cooking in the rooms.
- 15.03.370 Lot: A parcel or tract of land which is or may be occupied by a structure together with the yards and other open space required by this Title.
- 15.03.380 Lot Area: That total horizontal area within the lot lines of a lot.
- 15.03.390 Lot, Corner: A lot abutting on two (2) intersecting

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streets other than an alley, provided that the streets do not intersect at an angle greater than one hundred thirty-five (135) degrees.

15.03.400 Lot Depth: The horizontal distance from the mid-point of the front lot line to the mid-point of the rear lot line.

15.03.410 Lot, Interior: A lot other than a corner lot.

15.03.420 Lot Line: The property line bounding a lot.

15.03.430 Lot Line, Front: In the case of an interior lot, the lot line separating the lot from the street other than an alley; in the case of a corner lot, the shortest lot line along a street other than an alley.

15.03.440 Lot Line, Rear: A lot line which is opposite and most distant from the front lot line, and in the case of an irregular, triangular, or other odd-shaped lot, a line ten (10) feet in length within the lot parallel to and at the maximum distance from the front lot line.

15.03.450 Lot Line, Side: Any lot line not a front or rear lot line.

15.03.460 Lot Width: The horizontal distance between the side lot line ordinarily measured parallel to the front lot line.

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15.03.470 Mobile Home: A mobile home is a portable unit designed and built to be towed on its own chassis, comprised of frame and wheels connected to utilities, and designed without a permanent foundation for year-round living. A unit may contain parts that may be folded, collapsed or telescoped when being towed and expanded later to provide additional cubic capacity as well as two or more separately towable components designed to be joined into one integral unit capable of being again separated into the components for repeated towing. Mobile units can be designed for residential, commercial, educational or industrial purposes; excluding, however, travel trailers, motorized homes, pick-up coaches and camping trailers.

15.03.480 Mobile Home Parks: A Mobile Home Development and related utilities and facilities, including the mobile home and all the people living within the development. (See Chapter 6.09, Council Bluffs Municipal Code).

15.03.490 Modular Home: Structures built or erected from one or more three-dimensional cubical or box-shaped units which are completely factory finished and require only to be connected together at the building site. This broad definition is inclusive of single and multi-family configurations as well as other building types, but is limited to only those structures which are designed and fabricated to meet local building codes and other pertinent regulations.

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- 15.03.500 Motel: A building or group of buildings on the same lot containing guest units with separate entrances and consisting of individual sleeping quarters and baths, detached or in connected rows, without cooking facilities, for rental to transients.
- 15.03.510 Nonconforming Building or Use: A lawful existing building or use in existence at the time of the passage of this Title, which use does not conform to the setback, coverage, height, or use requirements of the district in which same is located.
- 15.03.520 Persons: Every natural person, firm, partnership, association, or corporation.
- 15.03.530 Philanthropic Institution: A benevolent or charitable organization not organized nor existing for profit, exclusive of mental institutions.
- 15.03.540 Planning Commission: The Planning Commission of the City of Council Bluffs, Iowa.
- 15.03.550 Planning Department: The Planning Department of the City of Council Bluffs, Iowa.
- 15.03.560 Planning Director: The Planning Director of the City of Council Bluffs, Iowa.
- 15.03.570 Porch: A roofed projection which has not more than fifty

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percent (50%) of each outside wall area enclosed by a building or siding material other than meshed screen.

15.03.580 Principal or Main Use: The purpose for which land, a building or structure thereon, is under the provisions of this Title authorized to be occupied or maintained.

15.03.590 Residential Hotels: A building with more than two (2) stories containing ten (10) or more dwelling units to be used as permanent residences with a maximum of three (3) adult inhabitants in each dwelling unit and containing permitted commercial uses on at least the ground floor.

15.03.600 Sign: A presentation or representation, other than a house number, by words, letters, figures, designs, pictures, or color, publicly displayed so as to give notice relative to a person, a business, an article, or merchandise, service, an assemblage, a solicitation or a request for air or other type of advertising to be deemed (inclusive of the board, metal or other surface upon which such sign is) to be a sign. This definition shall not be deemed, however, to include any church bulletin board being under sixty (60) square feet in area.

15.03.610 Story: That portion of a building or structure included between the upper surface of any floor and the upper surface of the floor next above, except that the top story shall be

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that portion of a building or structure included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above a basement or cellar is more than six (6) feet above established grade, such basement or cellar shall be considered a story.

15.03.620 Street: The entire width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic and for the placement of utilities and inclusive of the terms "drive", "road", "highway", "lane", "place", "avenue", "alley", or similar designations.

15.03.630 Structure: An edifice or building of any kind or any piece of work artificially built up, constructed or composed of parts joined together in some definite manner. (See "building" defined in Section 15.03.090).

15.03.640 Structural Alteration: Any change to the supporting members of a structure, inclusive of foundation, bearing walls, or partitions, columns, beams or girders or any structural changes in the roof of same.

15.03.650 Travel Trailers: Any one of a variety of temporary recreational portable housing units designed to be used principally as a temporary vacation dwelling, which can be operated independently of utility connections, is limited in width to eight

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(8) feet, in length to thirty-two (32) feet, and which can be towed by an automobile.

15.03.660 Use: The purpose for which land, a building or structure is designed, arranged or intended or for which it is occupied or maintained.

15.03.670 Variance: The use of which land, a building or structure may be authorized to be put, other than the outright, principal use in existence or hereunder authorized by law.

15.03.680 Vision Clearance Area: A triangular area on a lot or parcel of land at the intersection of two streets or a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines for a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot or parcel of land joining the ends of the other two sides; where the lot lines at intersections have rounded corners, the lot line will be extended in a straight line to a point of intersection. The vision clearance area contains no planting, earth banks, terraces, walls, structures or temporary or permanent obstructions which shall exceed three and one-half (3-1/2) feet in height, measured from the crown of the street at its centerline.

15.03.690 Yard: An open space on a lot which is unobstructed by a structure other than those specified in Chapter 15.20.

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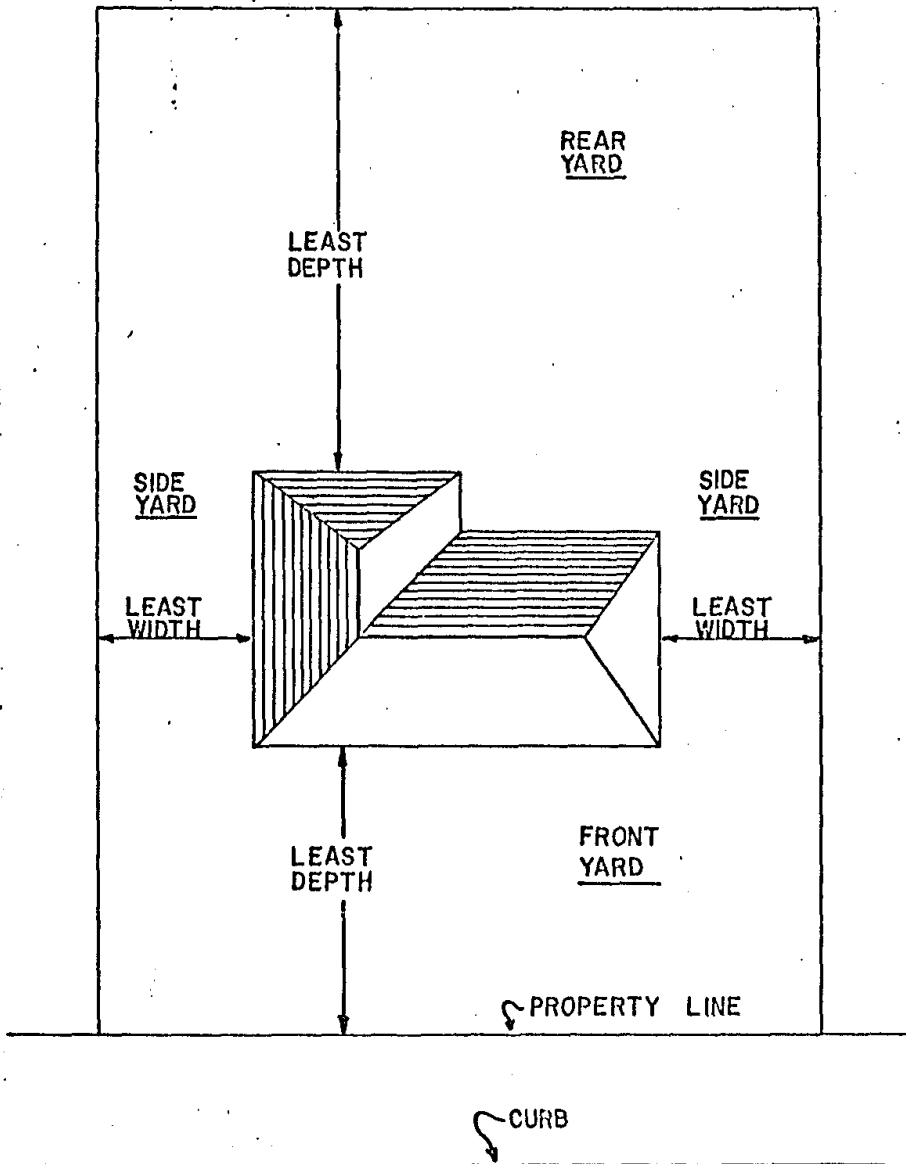
15.03.700 Yard (Front): An open space extending between side lot lines and measured horizontally from the front lot line at right angles to the front lot line to the nearest point of the building and structure.

15.03.710 Yard (Rear): An open space extending between side lot lines and measured horizontally from the rear lot line at right angles from the rear lot line to the nearest point of the main building or structure.

15.03.720 Yard (Side): An open space between a building or structure and the side lot line measured horizontally and at right angles from the side lot line of the nearest point of said building or structure.

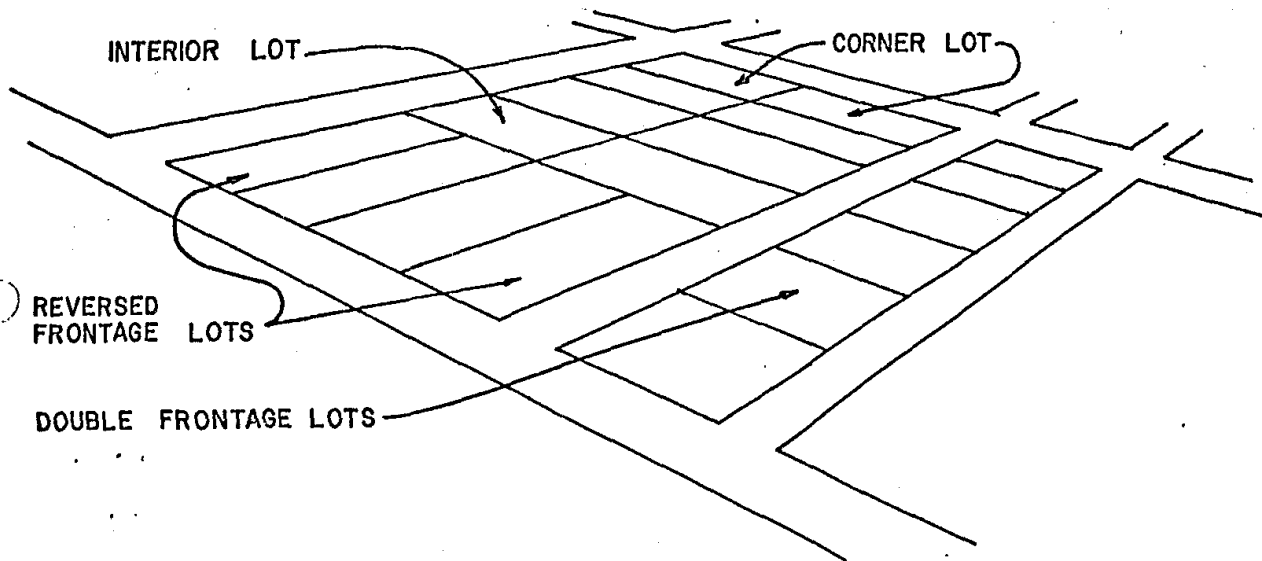
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15.03.730 Yard Setbacks:



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15.03.740 Lot Definitions:



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CHAPTER 15.04

DISTRICTS AND BOUNDARIES

15.04.010 For the purpose of this Title, the City of Council Bluffs, Iowa, is hereby divided into certain districts designated as follows:

	ABBREVIATED DESIGNATION
(a) OPEN SPACE DISTRICTS	
Open Space Conservation	A-1
Parks, Estate and Agricultural	A-2
(b) RESIDENTIAL DISTRICTS	
Single-Family Residential	R-1
Two-Family Residential	R-2
Multi-Family Residential	R-3
Multi-Family Residential	R-4
Planned Residential	P-R
(c) BUSINESS DISTRICTS	
Administrative-Professional	A-P
Neighborhood Commercial	C-1
General Commercial	C-2
Central Business District	C-3
Planned Shopping District	P-C
(d) INDUSTRIAL DISTRICTS	
Wholesale Manufacturing	W-M
General Manufacturing	G-M

15.04.020 Each district as designed in Section 15.04.010 of this Chapter shall be classified as being more restrictive than the district following same.

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15.04.030 The locations and boundaries of these districts are indicated upon the Official Zoning Map of the City of Council Bluffs, Iowa, hereinafter referred to as the Zoning Map, which map is made a part of this Ordinance by reference.

15.04.040 The "P-R" District is in conjunction with the Other Residential Districts, i.e., R-1 (P-R), R-2 (P-R), R-3 (P-R), and R-4 (P-R).

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CHAPTER 15.05

GENERAL PROVISIONS

15.05.010 Authorization for Amendment: An amendment to the text of this ordinance or the zoning map hereinbefore set forth may be initiated by the City Council, by the City Planning Commission, or by application of a property owner or his authorized agent. Said Planning Commission shall within forty (40) days after hearing thereon recommend to the City Council, in writing, the decision reached by said Planning Commission in said manner.

15.05.020 District Change Amendment: In addition to the official ordinance number enacting the provisions of this Title, all ordinances passed and approved by the City Council of the City of Council Bluffs, Iowa, changing the district classification herein shall be given individual supplemental numbers, filed and indexed in the offices of the City Clerk and the Planning Director.

15.05.030 Application and Fee for Amendment: An application for amendment thereof by a property owner or his authorized representative shall be filed with the City Clerk, which application shall be accompanied by a fee as specified in Chapter 15.26. Said application shall be referred by the City Clerk to the Planning Director for submission to the Planning Commission together with his recommendation.

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15.05.040 Public Hearing on Amendment: Prior to taking final action on a proposed amendment hereto, the Planning Commission shall hold a public hearing thereon. After receipt of the written report of the Commission on said proposed amendment, the City Council shall hold a public hearing thereon.

15.05.050 Public Hearing by Commission: Notice of public hearing setting forth the time and place thereof to be held before the Planning Commission shall be given by said Planning Commission in the following manner:

01. If an amendment to the text of this Title or in the zoning map hereinbefore adopted involving ten (10) acres or more is proposed, notice shall be given by three (3) publications in a newspaper of general circulation within the City of Council Bluffs, once each week for three (3) consecutive weeks, prior to the date set for hearing.
02. If an amendment to the zoning map hereinbefore adopted concerns an area containing less than ten (10) acres, such notice shall be given by one (1) publication in a newspaper of general circulation in said city, not less than five (5) days nor more than ten (10) days prior to date set for hearing, and by mailing written notice thereof to title holders of record and contract purchasers situated within two hundred (200) feet of the exterior boundaries of the property involved, not less than ten (10) days prior to date set for hearing. For mailing purposes, the names and addresses of such title holders and contract purchasers shall be taken from the records of the City Assessor.

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15.05.050 (02. continued) Where all property located within two hundred (200) feet of the exterior boundaries of the property involved is under the same ownership, owners of all property abutting that of the same ownership shall be notified in the same manner as provided in this Section. Failure to send notice to a person as specified in this Section, or failure of a person to receive said Notice, however, shall not invalidate any proceedings held in connection with said proposed Zoning Change.

03. Additional notice shall be served by posting of signs within five (5) feet of the property line at the front and side yards of the property. Said sign shall be furnished by the Planning Department and posted by the applicant at least ten (10) days prior to the date set for hearing. Failure to post said signs as provided herein shall not invalidate the proceedings related to the specific zoning change. The posting of signs for rezoning shall not apply to areas which have been annexed to the City by municipal action and shall not apply to areas affected by the repeal of the existing zoning ordinance and the subsequent adoption of a new zoning ordinance.

04. The Commission may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons said Commission determines may be interested in the proposed amendment. Upon recessing for this purpose, the Commission shall announce the time and date when said hearing will be resumed.

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- 15.05.060 Public Hearing by City Council: Notice of public hearing to be held before the City Council on a proposed amendment hereto shall be published in the manner provided in Chapter 414, Code of Iowa 1971.
- 15.05.070 Records of Amendments: The Planning Director and City Clerk shall maintain a current record of amendments to the text and zoning map in their respective offices in a form convenient for the use of the public.
- 15.05.080 District Boundaries: Unless otherwise specified in this Title, district boundaries shall be lot lines or the center-lines of streets, alleys, railroad rights-of-way, or such lines extended.
- 15.05.090 Maintenance of Minimum Requirements: No lot area, yard or other open space or required off-street parking or loading area existing on or after the effective date of this Title shall be reduced in area dimensions, or size below the minimum required by this Title.
- 15.05.100 General Exception to Lot Size Requirements: If at the effective date hereof a lot or the aggregate of contiguous lots or land parcels held in a single ownership has an area of dimension which does not meet the lot size requirements of the district in which same is located, the lot or aggregate holdings may be occupied by any use permitted outright in said district, subject to the other requirements of said district;

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provided, however, that this regulation shall not be interpreted so as to require a side yard of more than five (5) feet and provided further that if there is an area deficiency, residential use shall be limited to a single-family or two-family dwelling. In the case of dwellings, the following exception to the front yard requirement shall be authorized for a lot in any district: (a) if there are dwellings on both abutting lots with front yards of less than the required depth of the district, the front yard for the lot need not exceed the average front yard of the abutting dwellings; and (b) if there is a dwelling on one abutting lot with a front yard of less than the required depth for the district, the front yard for the lot need not exceed the depth of the abutting lot and the required front yard depth.

15.05.110 General Exception to Building Height Limitations: The following types of structure or structural parts are not subject to the building height limitations of this Title: chimneys; cupolas; tanks; church spires; belfries; domes; derricks; monuments; fire and hose towers; observation towers; masts; aerials; cooling towers; water towers; elevator shafts; windmills; conveyors; and other similar projections.

15.05.120 Vision Clearance: Vision clearance area shall be provided with the following distance establishing the size of the vision clearance area:

01. In a residential district, the minimum distance shall

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be thirty (30) feet or at alley intersections, ten (10) feet, except when the angle of intersection between streets is less than thirty degrees (30°), the distance shall be forty (40) feet.

02. In all other districts, exclusive of a Class C-3 District, the minimum distance shall be fifteen (15) feet, or, at alley intersections, ten (10) feet except when the angle of the intersection between streets is less than — thirty degrees (30°), the distance shall be twenty-five (25) feet.

15.05.130 Zoning of Annexed Area: Any area annexed to the City, which has not been zoned, shall be automatically classified as a Class A-2 District until rezoned by the City. Annexed land that has been zoned by the County shall retain a correlative classification based on the following scheme:

<u>County</u>	<u>City</u>
E-A	A-2
S-R	R-1
G-C	C-2
G-M	W-M

A zoning designation for newly annexed areas shall be acted upon by the City Council within twelve (12) months from the effective date of annexation. Special consideration shall be given to the Comprehensive Plan for the City and any special physical or cultural features associated with the area. Following review of the Planning Director's report, a recommendation from the Planning Commission will be prepared prior to final action by the City Council. Zoning of an annexed area

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shall be treated as an amendment to the text of this Ordinance.

15.05.140 Proof of Posting: Whenever posting of signs is required in this Title, proof thereof shall be by affidavit filed with the Planning Director executed by either the owner or his agent or attorney.

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CHAPTER 15.06

A-1

OPEN SPACE CONSERVATION

15.06.010 Statement of Intent: This district is intended to prevent, in those areas which are subject to periodic or potential flooding, such development as would result in a hazard to health or safety or be otherwise incompatible with the public welfare. It is further intended that no reclassification of any land zoned 'A-1' be undertaken until suitable measures exist which appear to diminish a potential hazard of flooding.

15.06.020 Principal Uses: The following principal uses shall be permitted outright in a Class A-1 District as follows:

01. Agriculture, truck farming and nurseries, and the usual accessory buildings, including one single-family dwelling unit.
02. Forests and forestry.
03. Publicly owned parks, playgrounds, golf courses and recreational uses.
04. Public camp ground facilities.

15.06.030 Conditional Uses: The following conditional uses shall be permitted in a Class A-1 District when authorized in accordance with the requirements set forth in Chapter 15.22:

01. Private playgrounds, golf courses and recreational uses.

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02. Public utility structures and equipment necessary for the operation thereof.
03. Transmitting stations.
04. Sanitary landfills.
05. Private camp ground facilities.

15.06.040 Accessory Uses: The following accessory uses shall be permitted in a Class A-1 District:

01. Fence or fencing as specified in Chapter 15.20.
02. Accessory buildings and uses customarily incidental to the principal uses permitted in a Class A-1 District.

15.06.050 Signs: The following described signs shall be permitted in a Class A-1 District:

01. One (1) temporary sign, not illuminated, measuring less than eight (8) square feet in area, for the purpose of advertising the sale, lease or rental of the building or premises or products produced or grown thereof.
02. One (1) sign, not illuminated, measuring less than eight (8) square feet in area, for the purpose of identifying a permitted use in the Class A-1 District.

15.06.060 Lot Size: The minimum lot size in a Class A-1 District shall be as follows:

01. The minimum lot area shall be ten (10) acres.
02. The minimum lot width at the front building line shall be one hundred fifty (150) feet.
03. The minimum lot depth shall be two hundred (200) feet.

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15.06.070 Setback Requirements: The setback requirements of all buildings in a Class A-1 District shall be as follows:

01. The front yard shall be a minimum of fifty (50) feet.
02. The side yard on each side shall be a minimum of ten percent (10%) of the total width of the building setback line, or a minimum of ten (10) feet, whichever is greater.
03. The rear yard shall be a minimum of twenty (20) feet.

15.06.080 Height of Building: The maximum height of buildings in a Class A-1 District shall be thirty-five (35) feet or two and one-half (2-1/2) stories, whichever is less.

15.06.090 Lot Coverage: In a Class A-1 District, buildings and structures shall not occupy more than fifteen percent (15%) of the total lot area.

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CHAPTER 15.07

A-2

PARKS, ESTATES AND AGRICULTURAL

15.07.010 Statement of Intent: This district is intended to preserve lands best suited for agricultural, recreational, and large-parcel residential uses and to preserve in such cases land suited to eventual development in other uses, pending proper timing for economical and practical provisions of streets, utilities, schools and other facilities so that reasonably compact development will occur and the fiscal integrity of the City is preserved.

15.07.020 Principal Uses: The following principal uses shall be permitted outright in a Class A-2 District:

01. Agriculture, including the raising of field crops, horticulture and animal husbandry subject to rules and regulations of the Department of Health of the City of Council Bluffs, Iowa.
02. Publicly owned parks and recreation areas.
03. Single-family dwellings, complying with lot coverage requirements established for this district.
04. Country clubs, when located on at least five (5) acres of land.
05. Recreational camps operated by public, charitable or religious organizations.
06. Greenhouses.

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07. Buildings and installation geographically necessary to operate a utility, but not including general offices, material yards or repair shops.

15.07.030 Conditional Uses: The following conditional uses shall be permitted in a Class A-2 District when authorized in accordance with the requirements set forth in Chapter 15.21:

01. Commercial mines, quarries and gravel pits.
02. Cemeteries, crematories, mausoleums and columbariums.
03. Public and quasi-public buildings and structures and uses of an administrative, educational, religious, cultural and public service type including colleges.
04. Quarters for transient labor.
05. Churches, synagogues, chapels, and similar places of religious worship, and instruction of a quiet nature when located in a permanent structure and on a site of at least two (2) acres.
06. Publicly operated sanitary landfills.

15.07.040 Accessory Uses: The following accessory uses shall be permitted in a Class A-2 District:

01. Living quarters for persons regularly employed on the premises, but not including dwellings for transient labor.
02. Offices incidental to and necessary for conducting a permitted use.
03. Private garages, stables and barns.
04. Private swimming pools exclusively for the use of

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residents of the premises and their non-paying guests.

05. Other accessory uses and buildings customarily appurtenant to a permitted use.

06. Fence or fencing.

15.07.050 Signs: The following described signs shall be permitted in a Class A-2 District:

01. One (1) temporary sign, not illuminated, measuring less than eight (8) square feet in area, for the purpose of advertising the sale, lease or rental of the building or premises, or products produced or grown there.

02. One (1) sign, not illuminated, measuring less than eight (8) square feet in area for the purpose of identifying a permitted use in a Class A-2 District.

15.07.060 Lot Size: The minimum lot size in a Class A-2 District shall be as follows:

01. The minimum lot area shall be three (3) acres.

02. The minimum lot width at the front building line shall be one hundred fifty (150) feet.

03. The minimum lot depth shall be two hundred (200) feet.

15.07.070 Setback Requirements: The setback requirements for a Class A-2 District shall be as follows:

01. The front yard shall be a minimum of fifty (50) feet.

02. The side yard shall be a minimum of ten percent (10%) of the total width of the building setback line, or a minimum of ten (10) feet, whichever is greater.

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03. The rear yard shall be a minimum of twenty (20) feet.

15.07.080 Height of Buildings: The maximum height of buildings in a Class A-2 District shall be thirty-five (35) feet or two and one-half (2-1/2) stories, whichever is less, and an accessory building shall not exceed a height of twenty-two (22) feet, or two (2) stories, whichever is less.

15.07.090 Lot Coverage: In a Class A-2 District, buildings and structures shall not occupy more than fifteen percent (15%) of the total lot area, and there shall be no more than one (1) principal building constructed on any one (1) lot.

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CHAPTER 15.08

R-1

SINGLE-FAMILY RESIDENTIAL

15.08.010 Statement of Intent: This district is designed to stabilize the residential characteristics of the district and to encourage a suitable family life environment through the promotion of public safety, morals, health, convenience, comfort, and the general welfare of the persons residing in the neighborhood of such proposed use.

15.08.020 Principal Use: The following principal uses shall be permitted outright in a Class R-1 District:

01. Single-family detached dwellings.
02. Churches.
03. Schools, parochial or public of a non-profit nature (Primary, Elementary, Junior High and Senior High).
04. Truck gardening, but not on a scale that would be obnoxious to adjacent areas because of noise and/or odors.
05. Publicly owned parks, playgrounds, golf courses and recreation areas.

15.08.030 Conditional Uses: The following conditional uses shall be permitted in accordance with the requirements set forth in Chapter 15.20:

01. Cemeteries, crematories, mausoleums, columbariums.
02. Swimming pools, tennis courts, golf courses, and

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other private recreation areas.

03. Governmental structure or land use.

04. Public and quasi-public buildings essential to the physical and economic welfare of an area, such as fire stations, substations, and pump stations.

05. Day nursery.

15.08.040 Accessory Uses: The following accessory uses shall be permitted in a Class R-1 District:

01. Uses of land or structure customarily incidental and subordinate to one of the principal uses, unless otherwise excluded.

02. Home occupations, as limited and specified in Chapter 15.20.

03. Private garage or carport.

04. Playhouse.

05. Fence or fencing, walls, or hedges as limited and specified in Chapter 15.20.

06. Swimming pool, tennis court, or other recreational facilities, commonly accessory to a dwelling, and used only for non-paying guests.

07. Bath house, tool or storage shed, including the storage of boats, not to exceed ten percent (10%) of the ground floor area of the dwelling unit.

08. Greenhouse, exclusive of one used in connection with wholesale or retail purposes.

09. The parking of one (1) unoccupied trailer or camper,

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designed for recreational use and not to exceed thirty-two (32) feet in length, as provided in Chapter 6.08 of the Municipal Code of the City of Council Bluffs, Iowa.

10. Lighting controls, as limited and specified in Chapter 15.20.

11. Setback exceptions and permitted intrusions as specified in Chapter 15.20.

15.08.050 Signs: The following described signs shall be permitted in a Class R-1 District:

01. One (1) sign, indirectly illuminated or not illuminated, not to exceed one and one-half (1-1/2) square feet in area, identifying the premises and occupant, but not including advertising matters.

02. One (1) temporary sign, not illuminated, measuring less than eight (8) square feet in area, for the purpose of advertising the sale, lease, or rental of the dwelling and/or property.

03. One (1) temporary sign per tract of land or subdivision, advertising the sale of said tract, not to exceed forty-two (42) square feet in area and provided said sign shall be removed from the tract of land or subdivision immediately upon completion of the sale of ninety percent (90%) of the lots or parcels of land located in the tract of land or subdivision.

15.08.060 Lot Size: The minimum lot size in a Class R-1 District,

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subject to the exceptions contained in Chapter 15.05, shall be as follows:

01. The minimum lot area shall be five thousand (5,000) square feet for an interior lot, and five thousand five hundred (5,500) square feet for a corner lot.
02. The minimum lot width at the front building line for an interior lot shall be fifty (50) feet and for a corner lot, fifty-five (55) feet.
03. The minimum lot depth shall be one hundred (100) feet.

15.08.070 Setback Requirements: The setback requirements in a Class R-1 District shall be as follows:

01. The front yard shall be a minimum of twenty-five (25) feet, unless forty-five percent (45%) or more of the frontage on one side of a street between two intersecting streets is improved with buildings, a majority of which improved frontage has observed an average front yard line with a variation in depth of not more than six (6) feet, in which case a building shall not project beyond the average front yard line so established; provided, however, that this regulation shall not be interpreted as requiring a front yard measuring more than fifty (50) feet.
02. The side yard on each side shall be a minimum of ten percent (10%) of the lot width at the building setback line, or a minimum setback line of five (5) feet, whichever is the greater; provided, however, that on corner lots the setback for all buildings shall be a minimum of

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fifteen (15) feet on the side abutting a public street or avenue.

03. The rear yard shall be a minimum of twenty (20) feet.

04. An accessory building shall be located at least sixty (60) feet from the front property line, with a minimum side yard requirement of three (3) feet.

05. Setback requirements in consideration of the health and welfare of the neighborhood, shall be retained as open space free of obstructive, pollutive matters, ie., vehicle repair area, metal storage and firewood. Stored vehicles, air conditioning units, and other intrusions into open space areas, as specified in Chapter 15.20, shall not be classified as such, unless designated in specific instances by the Department of Health of the City of Council Bluffs, Iowa.

15.08.080 Height of Buildings: The maximum height of buildings in a Class R-1 District, subject to exceptions contained in Chapter 15.05, shall be thirty-five (35) feet or two and one-half (2-1/2) stories, whichever is less, and an accessory building shall not exceed a height of sixteen (16) feet, or one and one-half (1-1/2) stories, whichever is less.

15.08.090 Lot Coverage: In a Class R-1 District, residential buildings shall not occupy more than thirty-five percent (35%) of the total lot area and there shall be no more than one (1) principal building constructed on any one (1) lot.

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CHAPTER 15.09

R-2

TWO-FAMILY RESIDENTIAL

15.09.010 Statement of Intent: This district is designed to stabilize and protect the residential characteristics of a one and two-family district and to encourage a suitable family life environment through the promotion of public safety, morals, health, convenience, comfort, and the general welfare of the persons residing in the neighborhood of such proposed use.

15.09.020 Principal Uses: The following principal uses shall be permitted outright in a Class R-2 District:

01. Any use permitted outright in a Class R-1 District.
02. Two-family dwellings.
03. Conversions of one-family dwellings into two-family dwellings, in accordance with the lot area, frontage, height and yard requirements of this district and in accordance with the Building Code of the City of Council Bluffs, Iowa.

15.09.030 Conditional Uses: The following conditional uses shall be permitted in a Class R-2 District, when authorized in accordance with the requirements set forth in Chapter 15.21:

01. The uses permitted as a conditional use in a Class R-1 District.
02. Group care homes, with less than six (6) patients.

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15.09.040 Accessory Uses: The following accessory uses shall be permitted in a Class R-2 District:

01. The uses permitted as an accessory use in a Class R-1 District.
02. Uses of land or structure customarily incidental and subordinate to one of the principal uses, unless otherwise excluded.

15.09.050 Signs: Any sign permitted in a Class R-1 District shall be permitted in a Class R-2 District.

15.09.060 Lot Size: The minimum lot size in a Class R-2 District shall be as follows:

01. For single-family homes, the minimum lot area shall be five thousand (5,000) square feet for an interior lot and a corner lot shall contain five thousand five hundred (5,500) square feet.
02. For duplexes, the minimum lot area shall be seven thousand (7,000) square feet, or three thousand five hundred (3,500) square feet of lot area per dwelling unit.

15.09.070 Setback Requirements: The setback requirements in a Class R-2 District shall be as follows:

01. The front yard shall be a minimum of twenty-five (25) feet, unless forty-five percent (45%) or more of the frontage on one side of a street between two intersecting streets is improved with buildings, a majority of which

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improved frontage has observed an average front yard line with a variation in depth of not more than six (6) feet, in which case a building shall not project beyond the average front yard line so established; provided, however, that this regulation shall not be interpreted as requiring a front yard measuring more than fifty (50) feet.

02. The side yard on each side shall be a minimum of ten percent (10%) of the lot width at the building setback line, or a minimum setback line of five (5) feet, whichever is the greater; provided, however, that on corner lots the setback for all buildings shall be a minimum of fifteen (15) feet on the side abutting a public street or avenue.

03. The rear yard shall be a minimum of twenty (20) feet.

04. An accessory building shall be located at least sixty (60) feet from the front property line, with a minimum side yard requirement of three (3) feet.

05. Setback requirements in consideration of the health and welfare of the neighborhood, shall be retained as open space free of obstructive, pollutive matters; i.e., vehicle repair area, metal storage, and firewood. Stored vehicles, air conditioning units, and other intrusions into open space area, as specified in Chapter 15.20 shall not be classified as such, unless designated in specific instances by the Department of Health of the City of Council Bluffs, Iowa.

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15.09.080 Height of Buildings: The maximum height of buildings in a Class R-2 District shall be thirty-five (35) feet, or two and one-half (2-1/2) stories, whichever is less, and an accessory building shall not exceed a height of sixteen (16) feet, or one and one-half (1-1/2) stories, whichever is less.

15.09.090 Lot Coverage: In a Class R-2 District, residential buildings shall not occupy more than thirty-five percent (35%) of the total lot area, and there shall be no more than one principal building constructed on any one lot.

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CHAPTER 15.10

R-3

MULTI-FAMILY RESIDENTIAL

15.10.010 Statement of Intent: The R-3 District is intended and designed for certain high-density residential areas of the City now developed with one-family, two-family and multiple-family dwellings and areas where similar residential development seems likely to occur, taking into consideration the promotion of public safety, morals, health, convenience, comfort, and the general welfare of the persons residing in the neighborhood of such proposed use.

15.10.020 Principal Uses: The following principal uses shall be permitted in a Class R-3 District:

01. Any use permitted outright in a Class R-2 District.
02. Multi-family dwellings, including cooperative apartment houses, and condominium dwellings.
03. College fraternities and sororities if recognized by the local college or university.
04. Libraries.
05. Boarding houses.

15.10.030 Conditional Uses: The following conditional uses shall be permitted in a Class R-3 District, when authorized in accordance with the requirements set forth in Chapter 15.22:

01. Any use permitted as a conditional use in a Class R-2 District.

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02. Beauty parlors and barber shops when conducted solely by resident occupants in their bona fide and primary residence. An indirectly lighted name plate not over two (2) square feet in area attached flat against the building shall be permitted.

03. Private clubs, lodges or veterans' organizations, excepting those holding a beer permit or liquor license.

04. Colleges and universities, including administrative buildings, classrooms, dormitories, athletic facilities and similarly related structures.

05. Business or professional offices, for use by a doctor, dentist, or other practitioners of the healing arts, an attorney, an engineer, an accountant, a realtor, an insurance agent; provided, however, that the floor area for such use shall not exceed two thousand (2,000) square feet.

06. Mobile Home Parks.

07. Nursing Homes.

15.10.040 Accessory Uses: The following accessory uses shall be permitted in a Class R-3 District:

01. Uses of land or structure customarily incidental and subordinate to one of the principal uses, unless otherwise excluded.

02. Any use permitted as an accessory use in a Class R-1 District.

15.10.050 Signs: Any sign permitted in a Class R-1 District shall be permitted in a Class R-3 District.

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15.10.060 Lot Size: The minimum lot size in a Class R-3 District shall be as follows:

01. For single family homes, the minimum lot area shall be five thousand (5,000) square feet for an interior lot, and a corner lot shall contain five thousand five hundred (5,500) square feet.

02. For duplexes, the minimum lot area shall be seven thousand (7,000) square feet, or three thousand five hundred (3,500) square feet of lot area per dwelling unit.

03. For multi-family dwellings containing three (3) to five (5) units, the minimum lot area shall be nine thousand (9,000) square feet. The lot area requirements for multi-family dwellings containing over five (5) units shall be increased by five hundred (500) square feet for each such additional unit.

15.10.070 Setback Requirements: The setback requirements in a Class R-3 District shall be as follows:

01. The front yard shall be a minimum of twenty (20) feet, unless forty-five percent (45%) or more of the frontage on one side of a street between two intersecting streets is improved with buildings, a majority of which improved frontage has observed an average front yard line with a variation in depth of not more than six (6) feet, in which case no building shall project beyond the average front yard line so established; provided, however, that this regulation shall not be interpreted as requiring a front yard of more than fifty (50) feet.

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02. The side yard shall be a minimum of five (5) feet on each side, with a one (1) foot indentation for every story above the first floor, up to a maximum side yard requirement of sixteen (16) feet, except that on corner lots, the setback for all buildings shall be a minimum of fifteen (15) feet on the side abutting a street.

03. The rear yard shall be a minimum of twenty (20) feet.

04. An accessory building shall be located at least sixty (60) feet from the front property line, with a minimum side yard of three (3) feet. Accessory buildings shall be a minimum of ten (10) feet from the primary building.

05. Setback requirements in consideration of the health and welfare of the neighborhood, shall be retained as open space free of obstructive, pollutive matters, i.e., vehicle repair area, metal storage, and firewood. Stored vehicles, air conditioning units, and other intrusions into open space areas, as specified in Chapter 15.20, shall not be classified as such, unless designated in specific instances by the Department of Health of the City of Council Bluffs, Iowa.

15.10.080 Height of Buildings: In a Class R-3 District, the building floor area above ground shall not exceed three (3) times the area of the site upon which same is situated.

15.10.090 Lot Coverage: In a Class R-3 District, buildings shall not occupy an area in excess of forty-five percent (45%) of the lot area upon which same are situated, and there shall be no more than one principal building constructed on any one lot.

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CHAPTER 15.11

R-4

MULTI-FAMILY RESIDENTIAL

15.11.010 Statement of Intent: This district is intended to provide for development of 'walk-up', high rise, or garden apartments, town houses, or other multiple-family developments in those areas where the increased allowable densities provide a higher and better use of the land, where service areas are concentrated and less costly to the City, where such development would be compatible with surrounding uses, and where municipal service facilities are available, taking into consideration the promotion of public safety, morals, health, convenience, comfort, and the general welfare of the persons residing in the neighborhood of such proposed use.

15.11.020 Principal Uses: The following principal uses shall be permitted outright in a Class R-4 District:

01. Any use permitted outright in a Class R-3 District.
02. Hospitals, group care, and nursing home and mortuaries.
03. Retail stores, customer service establishments, or restaurants when operated in connection with and as a part of apartment buildings, provided that the entrance thereto shall be either inside the building or on a court, and that such entrances do not face directly on any adjacent street.
04. Office buildings, in which only office work is performed. The manufacturing, treatment, storage, repair,

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renting, wholesaling, retailing, or exchange of any manufacturing product is prohibited in any office building in this district.

05. Public or private parking or garages.

15.11.030 Conditional Uses: The following conditional uses shall be permitted in accordance with the requirements set forth in Chapter 15.21:

01. Any use permitted as a conditional use in a Class R-3 District.
02. Residential hotels.

15.11.040 Accessory Uses: The following accessory uses shall be permitted in a Class R-4 District:

01. Uses of land or structures customarily incidental and subordinate to one of the principal uses, unless otherwise excluded.
02. Any use permitted as an accessory use in a Class R-1 District.

15.11.050 Signs: Any sign permitted in a Class R-1 District shall be permitted in a Class R-4 District.

15.11.060 Lot Size: The minimum lot size in a Class R-4 District shall be as follows:

01. The minimum lot area shall be five thousand (5,000) square feet for a single-family dwelling, seven thousand

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(7,000) square feet for a duplex or two-family dwelling, and nine thousand (9,000) square feet for a multiple-family use. The area requirements for multi-family dwellings containing over ten (10) units shall be increased by two hundred fifty (250) square feet for each such additional unit.

02. The minimum lot width at the front building lines shall be fifty (50) feet.

03. The minimum lot depth shall be one hundred (100) feet.

15.11.070 Setback Requirements: The setback requirements in a Class R-4 District shall be as follows:

01. The front yard shall be a minimum of twenty (20) feet, unless forty-five percent (45%) or more of the frontage on one side of a street between two intersecting streets is improved with buildings, a majority of which improved frontage has observed an average front yard line with a variation in depth of not more than six (6) feet, in which case no building shall project beyond the average front yard line so established; provided, however, that this regulation shall not be interpreted as requiring a front yard of more than fifty (50) feet.

02. The side yard shall be a minimum of five (5) feet on each side, with a one (1) foot indentation for every story above the first floor, up to a maximum side yard requirement of sixteen (16) feet, except that on corner lots the setback for all buildings shall be a minimum of fifteen (15) feet on the side abutting a street.

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03. The rear yard shall be a minimum of twenty (20) feet.

04. An accessory building shall be located at least sixty (60) feet from the front property line, with a minimum side yard of three (3) feet. Accessory buildings shall be a minimum of ten (10) feet from the primary building.

05. Setback requirements in consideration of the health and welfare of the neighborhood, shall be retained as open space free of obstructive pollutive matters, i.e., car repair area, metal storage, firewood. Stored cars, air conditioning units, and other intrusions into open space areas, as specified in Chapter 15.20, shall not be classified as such, unless designated in specific instances by the Department of Health of the City of Council Bluffs, Iowa.

15.11.080 Height of Buildings: In a Class R-4 District, the building floor area above the ground shall not exceed five (5) times the area of the site upon which same is located, provided that any building in excess of six (6) stories and located adjacent to an R-1 or R-2 District shall be brought before the Board of Adjustment for final determination.

15.11.090 Lot Coverage: In a Class R-4 District, buildings shall not occupy an area in excess of forty-five percent (45%) of the total area upon which same are situated.

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CHAPTER 15.12

P-R

PLANNED RESIDENTIAL DISTRICT

15.12.010 Statement of Intent: This district is designed and intended for the development of large tracts of ground on a unit basis, thereby circumventing the conventional single lot method of development in favor of a planned district that allows greater flexibility and diversification of land use and building locations. The intent of this district is to promote the principles of good land use planning. This would include an orderly and graded relationship between various types of uses and sound zoning standards concerning population density, adequate light and air, recreation and open space and building coverage. These regulations are designed to encourage the appropriate development of tracts of land sufficiently large to allow comprehensive planning and to provide flexibility in the application of certain regulations in a manner consistent with the general provisions of the zoning regulations. This promotes a harmonious variety of uses, the economy of shared service and facilities, compatibility of surrounding areas and the creation of attractive, healthful and stable environments of living, shopping or working. This district, therefore, may be used in conjunction with any of the four (4) specified residential districts: R-1, R-2, R-3, and R-4.

15.12.020 Principal Uses: The following principal uses shall be

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permitted outright in a Class P-R District; subject, however, to the provisions hereinafter set forth in this Chapter:

01. Any use permitted as a principal use within a Class C-2 District.
02. Dwelling Units.

15.12.030 Accessory Uses: The following accessory uses shall be permitted in a Class P-R District:

01. Non-commercial recreation facilities.
02. Community activities, including churches and schools.
03. Parking facilities.
04. Retail storage space, incidental to the principal use, but not to exceed forty percent (40%) of the floor area used for such use.

15.12.040 Signs: Any exterior sign permitted in a Class R-1 District shall be permitted in a Class P-R District.

15.12.050 Tract Size: The minimum tract size in a Class P-R District shall be as follows:

01. The minimum tract of land considered for a Class P-R District shall comprise an area of not less than ten (10) acres, except as follows:
 - (a) The minimum tract of land considered for a Class P-R District exclusive of commercial or retail facilities shall comprise an area of not less than five (5) acres.

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(b) The minimum tract of land considered for a Class P-R District justified only in cases of planned housing units designated as town houses, cooperatives, condominium or cluster housing shall comprise an area of not less than one-half (1/2) acre. No commercial development shall be included in these developments.

15.12.060 Height and Setback Requirements: The minimum height and yard requirements of the zoning district in which the development is located shall not apply except that the minimum yard specified in the district shall be provided around the boundaries of the area being developed.

15.12.070 Lot Coverage: The lot coverage requirements of the zoning district in which the development is located shall not apply. However, the Planning Commission may recommend, in the absence of an appropriate physical barrier, that the uses of least intensity or a buffer or open space or screening be arranged along the borders of the project.

15.12.080 Interpretation of Standards: The land usage, minimum lot area, yard, height, and accessory uses shall be determined by the requirements set out above which shall prevail over conflicting requirements in this ordinance or the subdivision ordinance. However, said District guidelines shall serve to inform the developers of the importance of developing a project that will be in harmony with the character of the surrounding neighborhood.

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15.12.090 Density Requirements: The maximum number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the zoning district or districts in which the area is located. Net development area shall be determined by subtracting the area set aside for churches and schools, if any, and deducting the area actually proposed for streets from the gross development area. The area of land set aside for common land, open space or recreation shall be included in determining the number of dwelling units permitted. The maximum number of multiple dwelling units permitted shall be determined by the zoning district in which the development is located as shown in column (b). The maximum amount of commercial usage allowed shall be determined by dividing the net development area by the percentage listing in column (c), based upon the district in which the area is located.

(a)	(b)	(c)
<u>ZONING DISTRICT</u>	<u>PERCENT OF TOTAL UNITS ALLOWABLE AS MULTIPLES</u>	<u>PERCENT OF NET DEVELOPMENT AREA ALLOWABLE AS COMMERCIAL</u>
R-1	30%	10%
R-2	55%	12%
R-3	80%	16%
R-4	100%	24%

If the development area contains two or more different classifications, the number of dwelling units permitted, the percentage of multiples and the percentage of commercial area allowable, shall be determined in direct proportion to the area of each zoning classification contained in the entire tract.

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15.12.100 Procedure for Establishment:

01. Application: A letter of intent for a Planned Residential Development shall be submitted by the owner of affected properties, or his authorized agent, to the City Clerk's office, along with a filing fee as specified in Chapter 15.25. This letter of intent shall be transmitted to the City Planning Department for a three-stage review process: (1) Pre-preliminary; (2) Preliminary; and (3) Final Decision.

(a) Pre-preliminary: The following information shall be submitted to the Planning Department:

(1) A schematic drawing, drawn to a minimum scale of one inch equals two hundred feet (1" = 200'), showing the general relationship contemplated among all public and private uses and existing physical features.

(2) A written statement setting forth the source of water supply, method of sewage disposal, means of drainage, grading plans, dwelling types, non-residential uses, lot layout, lighting, landscaped areas, provisions for maintenance, areas to be devoted to various uses and population densities per net acre and per gross acre contemplated by the applicant.

(3) The developer and the Planning Director shall meet together and determine whether the above information has been secured. The Planning Direc-

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tor, at this time, may recommend any additional information deemed necessary prior to presentation to the Planning Commission. Following a report of the pre-preliminary stage by the Planning Director, to the Planning Commission, application may be made for preliminary presentation of the proposal to the Planning Commission, if the Commission is satisfied that the requirements of the Pre-preliminary stage have been met.

(b) Preliminary: Application for a preliminary approval of a Planned Residential District shall be made by the applicant and shall be filed on a form prescribed by the City Planning Department and filed with said Department. Application shall be accompanied by the following information:

(1) Four (4) copies and one (1) transparency of a preliminary development plan of the entire development showing streets, driveways, sidewalks, pedestrian ways, off-street parking and loading, location and approximate dimensions of structure, utilization of structures, including activities associated with each, major landscaping features, drawings and/or elevations clearly establishing the scale, character, and character and relationship of buildings, streets and open space. Such development plan shall include maps and information on the surrounding area within four hundred (400) feet of said development. A boun-

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dary survey or a certified boundary description by a registered engineer or licensed surveyor shall also be submitted.

(2) A tabulation of the land area to be devoted to various uses, and a calculation of the average residential density per net acre.

(3) If it is proposed that the final development plan will be executed in stages, a schedule thereof shall be required.

(4) A stage development schedule, demonstrating that the developer intends to commence construction within one (1) year after the approval of the final development plans and will proceed on schedule to completion.

02. Notice of Public Hearing: The said application and the aforesaid information concerning the development shall be presented by the Planning Director to the City Planning Commission. Said Commission shall, within sixty (60) days from such filing, hold a public hearing on said application, at which time said Commission shall consider same. The notice of said public hearing will be given in the following manner:

(a) By two (2) publications in a newspaper of general circulation, once each week for two (2) consecutive weeks, prior to the date set for hearing; and

(b) By sending notices via United States mail not less than five (5) days prior to the date set for

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hearing to the owners of properties, and contract purchasers, situated within two hundred (200) feet of the exterior boundaries of the property involved, using for this purpose the names and addresses of the owners of said properties shown in the records of the Council Bluffs City Assessor. Failure to send notice to any persons specified in this Section, or failure of any such persons to receive such notice, however, shall not invalidate any proceedings conducted in connection with the application for a Planned Residential Development or modification of an existing Planned Residential Development; and

(c) By the posting of signs at the front and side yards of the property, as provided in Chapter 15.05.

03. Preliminary Approval (Stage Two): The Commission, in reviewing the application for a Planned Residential Development or modification of an existing Planned Residential Development, shall take into consideration the most appropriate use of the land, the conservation and stabilization of the value of property, adequate open space for light and air, concentration of population, congestion of public streets, the promotion of public safety, morals, health, convenience and comfort, and the general welfare of the persons residing or working in the neighborhood of such proposed use. In addition to such proposed use meeting the general requirements herein set forth, the Commission, in recommending approval of a proposed use, may recommend cer-

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tain conditions to be attached to such use which the Commission deems necessary in order to carry out the intent and purpose of this Title. Such conditions may increase the required lot or yard area, control the location and number of vehicular access points to the property, limit the number of signs, limit coverage or height of buildings situated on said property because of obstruction to view and reduction of light and air to adjacent property, and to require screening and landscaping where necessary to reduce noise and glare and require that said property be maintained in accordance with the area surrounding same. Such recommendations shall be in writing, and shall be forwarded to the City Council within ten (10) days subsequent to the date the public hearing on such application for a proposed Planned Residential Development or modification of existing Planned Residential Development was held and the matter considered by said Planning Commission. In so doing, the Commission may at its discretion, authorize submission of the final development plan in stages, corresponding to different units or elements of the development. It may do so only upon evidence assuring completion of the entire development in accordance with the preliminary development plan and stage development schedule. The said Council shall make one of the following decisions, following forwarding from the Planning Commission: (1) grant the preliminary approval; (2) refer back to the Commission with added stipulations, or; (3) deny the preliminary approval.

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04. Final Approval (Stage Three): The applicant shall file with the Planning Director a final plan for the entire development not less than two (2) months nor more than one (1) year after the approval or modified approval of a preliminary development plan. When submission in stages has been authorized for the first unit of the development, then the applicant shall file with the Planning Director a final plan for the entire development not less than two (2) months nor more than one (1) year after said authorization. The final plan shall conform in all major respects with the approved preliminary development plan. The final plan shall include all information included in the preliminary plan, plus the following: location of water, sewage and drainage facilities, detailed to indicate fully the ultimate operation and appearance of the development. Copies of legal documents required by the Commission for dedication or reservation of public facilities, deed restrictions, etc., shall also be submitted. Upon receipt of the final development plan from the Planning Director, the Planning Commission shall examine such plans and determine whether it conforms in all substantial respects with the previously approved unit development permit or require such changes in the proposed development or impose such conditions of approval as area, in its judgment necessary to insure conformity to the applicable criteria and standards. In so doing, the Commission may permit the applicant to review the plan and resubmit the final development plan within thirty (30) days. If the

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Commission does grant approval, the application shall be presented to the City Council within ten (10) days for final review and decision. Said City Council shall grant or deny the request within thirty (30) days subsequent to receiving such recommendation. The Council, in granting approval, may in addition to the adjustment and conditions established by the Planning Commission, stipulate certain conditions to be attached to such use which the Board deems necessary to carry out the intent and purpose of this Title. The Planning Director shall issue a letter of authorization containing the conditions established by the City Council. The Building Official shall not issue a building permit if construction plans are in variance with the letter of authorization.

15.12.110 Adherence to Approved Plan and Modification Thereof: The applicant shall agree in writing to be bound, for himself and his successors in interest, by the conditions prescribed for approval of a development. The approved final plan and stage development schedule shall control the issuance of all building permits and shall restrict the nature, location and design of all uses. Minor changes in an approved preliminary or final development plan may be approved by the Planning Director and the Building Official if such changes are consistent with the purpose and general character of the development plan. All other modifications, including extension or revision of the stage development schedule, shall be processed in the same man-

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ner as the original application and shall be subject to the same procedural requirements.

15.12.120 Revocation: In the event of a failure to comply with the approved plan or any prescribed conditions of approval, inclusive of failure to comply with the stage development schedule, the City Council may, after notice and hearing, revoke a Planned Residential Development permit.

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CHAPTER 15.13

A-P

ADMINISTRATIVE-PROFESSIONAL

15.13.010 Statement of Intent: The A-P District is intended and designed to provide certain areas in the City for the development of professional and low-intensity business offices in areas where residential dwellings predominate.

15.13.020 Principal Uses: The following principal uses shall be permitted in a Class A-P District:

01. Any use permitted in the least restrictive abutting residential district, subject to the regulations of such residential districts.
02. Offices, both business and professional.
03. Parking Lots.
04. Pharmacies.
05. Clinics, or group medical centers, including dental clinics.
06. Bank, loan company, or other similar financial institutions.
07. Studios, such as art, dance, health, music, photographic, radio and television broadcasting.

15.13.030 Conditional Uses: In a Class A-P District, conditional uses permitted therein shall be the same as those conditional uses permitted in the least restrictive abutting residential district, with the exception of mobile home parks, when auth-

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orized in accordance with the requirements hereinafter set forth in Chapter 15.21.

15.13.040 Accessory Uses: The following accessory uses shall be permitted in a Class A-P District:

01. Uses of land or structure customarily incidental and subordinate to one of the principal uses, unless otherwise excluded.

02. Storage of material or merchandise incidental to the principal use, but not to exceed forty percent (40%) of the floor area for such use.

15.13.050 Signs: Any sign, exclusive of a billboard, permitted in a Class A-P District shall not exceed twenty (20) square feet in area, and one such sign shall be permitted on each side of the lot abutting on a street for such business establishment. Signs shall be limited to those identifying the business establishment, and shall not be of an intermittent flashing type. If illuminated, such sign shall not display any direct or focused illumination, such as photo flood lamps, reflector lamp, or lamps with an optical reflector located in the rear of same. All illumination from any lamps of over twenty-five (25) Watts rating shall be through diffusing lens or frosted envelope, excepting indirect illumination. In case of indirect illumination, all reflected or directed illumination must be focused on said sign so that same cannot be seen from any direction in adjacent areas.

COMPARED

15.13.060 Lot Size: The minimum lot size in a Class A-P District shall be as follows:

01. The minimum lot area shall be five thousand (5,000) square feet for non-residential activity. Area requirements for dwellings shall be retained as specified in the Class R-4 District.
02. The minimum lot width at the front building line shall be fifty (50) feet.
03. The minimum lot depth shall be one hundred (100) feet.

15.13.070 Setback Requirements: The setback requirements in a Class A-P District shall be as follows:

01. The minimum front yard required shall conform with the minimum front yard requirements in the least restricted abutting residential district.
02. The minimum side yard required shall conform with the minimum side yard requirements in the least restricted abutting residential district.
03. The minimum rear yard required shall conform with the minimum rear yard requirements in the least restricted abutting residential district.

15.13.080 Height of Buildings: In a Class A-P District the maximum height of a building shall not exceed forty-five (45) feet; provided, however, that when a building shall be situated within one hundred fifty (150) feet of a residential district, the height of a building in an A-P District shall not exceed thirty-five (35) feet.

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15.13.090 Lot Coverage: In a Class A-P District, buildings shall not occupy an area in excess of fifty percent (50%) of the total lot area upon which same are situated.

15.13.100 Enclosures of Operation: All business, service, processing, storage and merchandise display shall be conducted or located within an enclosed building, with the exception of off-street parking and loading.

COMPARED

CHAPTER 15.14

C-1

NEIGHBORHOOD COMMERCIAL

15.14.010 Statement of Intent: This district is intended to provide for the convenience shopping of persons living in neighborhood residential areas and for general uses and activities for a retail and personal service character. Only those uses are permitted which are necessary to justify the local needs which occur so frequently as to require commercial facilities in proximity to residential areas.

15.14.020 Principal Uses: The following principal uses shall be permitted outright in a Class C-1 District:

01. Any use permitted outright in the least restrictive abutting residential district, subject to the regulations of such residential district.
02. Any use permitted outright in a Class A-P District.
03. Gift shops.
04. Grocery stores.
05. Laundry pick-up agency, and self-service laundry and/or dry cleaning establishments.
06. Meat markets.
07. Bakeries (primarily retail).
08. Beauty parlors and barber shops.
09. Shoe repair shops.
10. Watch and clock repair.
11. Drug stores.

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15.14.030 Conditional Uses: The following conditional uses shall be permitted in a Class C-1 District, when authorized in accordance with the provisions hereinafter set forth in Chapter 15.22:

01. Any use permitted as a conditional use in the least restrictive abutting residential district, with the exception of mobile home parks.
02. Automobile service stations, inclusive of minor auto repairs, but exclusive of body and fender work, paint or upholstering work.
03. Bars, taverns, and other drinking establishments.
04. Eating establishments.

15.14.040 Accessory Uses: The following accessory uses shall be permitted in a Class C-1 District:

01. Uses of land or structure customarily incidental and subordinate to one of the principal uses in a Class C-1 District, unless otherwise excluded.
02. Storage of material or merchandise incidental to the principal use but not to exceed forty percent (40%) of the floor area used for such use.

15.14.050 Signs: Any sign permitted in a Class A-P District shall be permitted in a Class C-1 District.

15.14.060 Lot Size: The minimum lot size in a Class C-1 District shall be as follows:

01. The minimum lot area shall be five thousand (5,000)

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square feet for non-residential activity. Area requirements for dwellings shall be retained as specified in the Class R-4 District.

02. The minimum lot width at the front building line shall be fifty (50) feet.

03. The minimum lot depth shall be one hundred (100) feet.

15.14.070 Setback Requirements: The setback requirements in a Class C-1 District shall be as follows:

01. The minimum front yard required shall conform with the minimum front yard requirements in the least restricted abutting residential district.

02. There shall be no minimum side yard requirements for a lot abutting a residential district. The minimum side yard requirements of the abutting residential district shall be retained as specified in such district.

03. There shall be no minimum rear yard requirements, with the exception that in case of abutting a residential district, the minimum rear yard requirements shall be applicable to the minimum rear yard requirements in the least restricted abutting residential district.

15.14.080 Height of Buildings: In a Class C-1 District, the maximum height of a building shall not exceed forty-five (45) feet; provided, however, that when a building shall be situated within one hundred fifty (150) feet of a residential district, the height of a building in a Class C-1 District shall not exceed thirty-five (35) feet.

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15.14.090 Lot Coverage: In a Class C-1 District, buildings shall not occupy an area in excess of fifty percent (50%) of the total lot area upon which same is situated.

15.14.100 Enclosure of Operations: All business, service, repair, processing, storage, and merchandise display shall be conducted or located within an enclosed building, with the exception of off-street parking and loading areas, drive-in windows, minor service for motor vehicles, and display of merchandise along the wall of the building, which merchandise shall not extend more than three (3) feet from the wall of such building.

COMPARED

CHAPTER 15.15

C-2

GENERAL COMMERCIAL

15.15.010 Statement of Intent: The C-2 District is intended to provide for major retail shopping areas (other than planned shopping centers) outside the downtown area. These districts also include much of the Highway commercial activity existing along the major streets of the City. All rezoning of property to C-2 (General Commercial) shall contain an area comprised of less than ten (10) acres of land.

15.15.020 Principal Uses: The following principal uses shall be permitted outright in a Class C-2 District, with the exception of mobile home parks:

01. Any conditional use permitted in the least restrictive abutting residential district.
02. Any use permitted outright in a Class C-1 District.
03. Any conditional use permitted in a Class C-1 District.
04. Appliance stores.
05. Auditorium, exhibition hall, or other places of public assembly.
06. Automobile laundry.
07. Automobile service stations, including auto repair.
08. Bakeries.
09. Blueprinting, photostating, or other reproduction processes.

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10. Bowling alley.
11. Book shops.
12. Building materials, for sale at retail only.
13. Bus passenger stations.
14. Business machines and their sales and service.
15. Camera shops.
16. Catering establishments.
17. Cigar stores.
18. Clothing stores.
19. Clothes pressing establishments.
20. Clubs and lodges of an eleemosynary or philanthropic nature.
21. Commercial amusements.
22. Commercial nurseries and greenhouses.
23. Confectionary stores.
24. Custom dressmaking and tailor shops.
25. Delicatessen stores.
26. Dress shops.
27. Drug stores, inclusive of fountain service.
28. Dry goods and notions stores.
29. Drive-in establishments, inclusive of theatres.
30. Eating establishments.
31. Florist shops.
32. Furniture stores.
33. Garden supplies stores.
34. Hardware stores.
35. Hat or millinery shops.

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36. Jewelry stores.
37. Laundries, cleaning and/or pressing establishments.
38. Locksmith shops.
39. Motels.
40. Music stores.
41. Newsstands.
42. Parking garages.
43. Pet shops.
44. Pawn shops.
45. Piano stores.
46. Radio and television sales and service shops.
47. Retail stores.
48. Shoe stores.
49. Sporting goods stores.
50. Theatres.
51. Plumbing, electrical, cabinet, carpenter, sign painting and upholstering shops.
52. Bars, taverns, and other drinking establishments.

15.15.030 Conditional Uses: The following conditional uses shall be permitted in accordance with the requirements set forth in Chapter 15.21:

01. Any conditional use permitted in the least restricted abutting residential district, with the exception of mobile home parks.
02. Any use permitted outright in a Class C-3 District.
03. Any conditional use permitted in a Class C-1 District.
04. Automobile painting and upholstering.

COMPARED

05. Book binderies.
06. Business, technical and trade schools.
07. Custom manufacturing of goods or merchandise for sale at retail on the premises.
08. Fish markets.
09. Frozen food lockers, inclusive of wholesale storage.
10. Hotels.
11. Newspaper and printing establishments.
12. Railway passenger stations and express offices.
13. Second-hand stores.
14. Building use for the storage of household goods and wares.
15. Telephone exchanges.
16. Tire shops, inclusive of recapping incidental thereto.

15.15.040 Accessory Uses: The following accessory uses shall be permitted in a Class C-2 District:

01. Uses of land or structure customarily incidental and subordinate to one of the principal uses in the Class C-2 District.
02. Storage of material or merchandise incidental to the principal use but not to exceed forty percent (40%) of the floor area for such use.

15.15.050 Signs: Signs permitted in a Class C-2 District shall be in accordance with the following:

01. Any sign permitted in a Class C-1 District shall be

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permitted in a Class C-2 District.

02. Billboards shall be permitted in a Class C-2 District providing that same shall be located not less than one hundred fifty (150) feet distant from any lot in an abutting residential district or school or park property.

03. The following signs, exclusive of a billboard or bulletin board, shall be allowed in a Class C-2 District:

(a) One (1) sign not to exceed one hundred fifty (150) square feet per face with no more than two (2) faces, to be located within fifty (50) feet of the building which houses the principal activity.

(b) One (1) sign or a combination of signs totaling one hundred twenty (120) square feet of sign face to be located upon the lot or parcel of ground upon which the principal activity is located.

(c) Other signs which are located on the outside walls of the building flush with or parallel to such walls.

(d) When more than one (1) building and more than six (6) commercial enterprises are located in one shopping center or complex covering an area of more than thirty-five thousand (35,000) square feet, then in lieu of sub-section (a) and (b) of this Section, there may be one (1) sign for the shopping center or complex having no more than three hundred (300) square feet per face. No portion of said sign shall extend beyond the property line of the shopping center.

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04. All signs, exclusive of billboard, shall be limited to those identifying the business or establishment and shall comply with City Sign Ordinance. Signs shall not be of an intermittent flashing type. If illuminated, such signs shall not display any direct or focused illumination, such as photo flood lamps, reflector lamps or lamps with an optical reflector located in the rear of same. All illumination from any lamp of over twenty-five (25) watts rating shall be through a diffusing lens or frosted envelope, excepting indirect illumination. In case of indirect illumination, all reflected or directed illumination must be focused on said sign so that same cannot be seen from any direction in adjacent areas.

05. The maximum height of any free-standing or roof sign in a Class C-2 District shall not exceed forty-five (45) feet; provided, however, that any such sign situated within one hundred fifty (150) feet of a residential district shall not exceed thirty-five (35) feet.

15.15.060 Lot Size: The minimum lot size in a Class C-2 District shall be as follows:

01. The minimum lot area shall be five thousand (5,000) square feet.
02. The minimum lot width at the front building line shall be fifty (50) feet.
03. The minimum lot depth shall be one hundred (100) feet.

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15.15.070 Setback Requirements: Lots or parcels of land in a Class C-2 District situated across the street from or abutting on a residential district shall be in conformity with the minimum yard requirements prescribed for said residential district, for that side of such lots or parcels of land in said Class C-2 District which face on the abutting residential district.

15.15.080 Height of Buildings: In a Class C-2 District the maximum height of a building shall not exceed forty-five (45) feet; provided, however, that any building situated within one hundred (100) feet of a residential district shall not exceed a height of thirty-five (35) feet.

15.15.090 Lot Coverage: In a Class C-2 District buildings shall not occupy an area in excess of ninety percent (90%) of the total lot area upon which same is situated.

COMPARED

CHAPTER 15.16

C-3

CENTRAL BUSINESS DISTRICT

15.16.010 Statement of Intent: The C-3 District is intended to accommodate large office concentration and the great variety of stores and related activities which occupy the prime area within the central business district and which serve the entire metropolitan area. All rezoning of property to C-3 shall contain an area comprised of less than ten (10) acres of land.

15.16.020 Principal Uses: The following uses shall be permitted outright in a Class C-3 District:

01. Any use permitted outright in a Class C-2 District, with the exception of mobile home parks.
02. Book binderies.
03. Business, technical and trade schools.
04. Custom manufacturing of goods or merchandise for sale or retail.
05. Fish markets.
06. Hotels.
07. Newspaper and printing establishments.
08. Railway passenger stations and express offices.
09. Second-hand stores.
10. Residential hotels.
11. Storage buildings for the storage of household goods and wares.

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12. Telephone exchanges.

13. Tire shops, exclusive of recapping incidental thereto.

15.16.030 Conditional Uses: The following conditional uses shall be permitted in accordance with the requirements set forth in Chapter 15.21:

01. Any conditional use permitted in a Class C-2 District, with the exception of mobile home parks.

15.16.040 Accessory Uses: The following accessory uses shall be permitted in a Class C-3 District:

01. Uses of land or structure customarily incidental and subordinate to one of the principal uses in the Class C-3 District, unless otherwise excluded.

02. Storage of material or merchandise incidental to the principal use but not to exceed forty percent (40%) of the floor area used for such purposes.

15.16.050 Signs: Any sign permitted in a Class C-2 District shall be permitted in a Class C-3 District, provided that billboards located in a Class C-3 District shall be located in such district at a distance of not less than one hundred fifty (150) feet from any lot in an abutting residential district, or school or park property.

15.16.060 Setback Requirements: The setback requirements for lots or parcels of land in a Class C-3 District shall be in con-

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formity with those setback requirements for lots or parcels of land in a Class C-2 District, as set forth in Chapter 15.15 of this Title.

15.16.070 Height of Buildings: There shall be no limitation of the height of buildings located in a Class C-3 District; provided, however, that any building situated in a Class C-3 District which is within one hundred fifty (150) feet of a Class R-1 or Class R-2 District, shall not exceed a height of forty-five (45) feet.

CHAPTER 15.17

P-C

PLANNED COMMERCIAL

15.17.010 Statement of Intent: The P-C District is intended to provide for the development of modern retail shopping centers. For the purpose of this Chapter, the term 'shopping centers' shall mean a planned retail and service area designed, constructed and developed as a unit, characterized by a concentrated grouping of stores and compatible uses, located to serve several neighborhoods, or where conditions warrant, a large regional area. Its facilities are designed to be used in common, such as ingress and egress roads, extensive parking accommodations, proper relations to traffic arteries, and compatibility with surrounding uses. Because planned shopping center developments have a significant effect upon the City's comprehensive plan for the development of the City, final authority over their development shall be retained by the City Council, with extensive prior study and review by the Planning Commission. Important matters relating to the shopping design, its potential for success or failure, its effect upon surrounding areas, its effect upon traffic circulation, etc., are factors which must be given full consideration by the Planning Commission and the City Council in order that a reasonable assurance can be obtained that the area will be developed to serve the best interest of the City and the area will not be subject to blight in future years. It is further

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intended that in the event of an applicant's failure to construct, or begin construction of a shopping center in accordance with a reasonable time schedule, the City Council shall in accordance with Chapter 15.05 (General Provisions), and Chapter 15.02 (Interpretation of Standards), enact the necessary legislation to void the existing zoning and reclassify the area to a zone consistent with the surrounding neighborhood, in order that the property will not become sterile from lack of proper use.

15.17.020 Principal Uses: The following principal uses shall be permitted outright in a Class P-C District; subject, however, to the provisions hereinafter set forth in this Chapter:

01. Retail sales of merchandise.
02. Service Establishments.
03. Indoor recreation establishments.
04. Parking lots or parking garages.
05. Dwelling facilities for a custodian, caretaker or watchman employed on the premises.

15.17.030 Accessory Uses: The following accessory uses shall be permitted in a Class P-C District:

01. Uses of land or structure customarily incidental and subordinate to one of the principal uses in the Class P-C District, unless otherwise excluded.
02. Storage of material or merchandise incidental to the principal use, but not to exceed forty percent (40%) of the floor area used for such purposes.

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15.17.040 Tract Size: The minimum tract of land considered for rezoning to a Class P-C District shall comprise an area of not less than ten (10) acres.

15.17.050 Height and Setback Requirements: The minimum height and yard requirements of the former zoning district in which the development was located shall not apply except that the minimum yard specified in that district shall be provided around the boundaries of the area being developed. But this requirement shall not be more restrictive than height and setback requirements in the C-2 District as set out in this Chapter.

15.17.060 Lot Coverage: The lot coverage requirements of the former zoning district in which the development is located shall not apply. However, the Planning Commission may recommend, in the absence of an appropriate physical barrier, uses of a lesser intensity, or a buffer of open space, or that appropriate landscaping be arranged along the borders of the project.

15.17.070 Interpretation of Standards: The land usage, minimum lot area, yard, height and accessory uses shall be determined by the requirements set out above, which shall prevail over conflicting requirements of this Chapter.

15.17.080 Procedure:

01. Application: A letter of intent for rezoning to a Planned Commercial District shall be submitted by the

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owner of affected properties, or his authorized agent, to the City Clerk's office, along with a filing fee as specified in Chapter 15.25. This letter of intent shall then be transmitted to the City Planning Department for review procedure.

(a) Pre-Preliminary: The following information shall be submitted to the Planning Department:

(1) A schematic drawing, drawn to a minimum scale of one inch equals two hundred feet (1" = 200'), showing the general relationship contemplated among all public and private uses and existing physical features.

(2) A written statement setting forth the source of water supply, method of sewage disposal, means of drainage, grading plans, commercial uses, anticipated lot layouts, lighting, landscaped area, areas to be devoted to various uses per net acre and per gross acre contemplated by the applicant.

(3) The developer and the Planning Director shall meet together and determine whether the above information has been secured. The Planning Director at this time may recommend any additional information deemed necessary prior to presentation to the Planning Commission. Following a report of this pre-preliminary stage by the Planning Director to the Planning Commission, appli-

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cation may be made for presentation of the proposal to the Planning Commission, if the Commission is satisfied that the requirements of the pre-preliminary stage have been met.

(b) Preliminary: Application for preliminary approval of a Planned Commercial District shall be made by the applicant and shall be filed on a form prescribed by the City Planning Department and filed with said Department. Application shall be accompanied by the following:

(1) Four (4) copies and one (1) transparency of a preliminary development plan of the entire development, showing proposed streets, driveways, sidewalks, pedestrian ways, off-street parking and loading, location and approximate dimensions of structures, utilization of structures, including activities associated with each, major landscaping features, drawings and/or elevations clearly establishing the scale, character and relationship of buildings, streets, and open space. Such development plans shall include maps and information on the surrounding area within four hundred (400) feet of said development. A boundary survey or a certified boundary description by a registered engineer or licensed surveyor also shall be submitted.

(2) A tabulation of land area to be devoted to

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various uses.

(3) If it is proposed that the development plans will be executed in stages, a time schedule thereof shall be required.

(c) Notice of Public Hearing: The said application and the aforesaid information concerning the development shall be presented by the Planning Director to the City Planning Commission. Said Commission shall, within sixty (60) days from such filing, hold a public hearing on such application, at which time said Commission shall consider same. The notice of said public hearing shall be given in the following manner:

(1) By publication thereof in a newspaper of general circulation in the City, not less than five (5) days nor more than ten (10) days prior to the date set for hearing; and

(2) By sending notices via United States mail not less than five (5) days prior to the date set for hearing to the owners of properties situated within two hundred (200) feet of the exterior boundary involved, using for this purpose, the names and addresses of the owners or contract purchasers of said properties shown in the records of the Council Bluffs City Assessor. Failure to send notices to any person specified in this section, or the failure of any person to receive such notice, shall not invalidate any proceedings conducted in connection with the ap-

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plication for a Planned Commercial Development or modification of an existing Planned Commercial Development; and

(3) By the posting of signs at the front and side yards of the property. Said signs shall be furnished by the Planning Department and posted by the property owner at least ten (10) days prior to the date set for hearing before said Board. Failure to post shall not invalidate said proceedings.

15.17.090 Review by Planning Commission: The Planning Commission, in reviewing the application for a Planned Commercial District, shall take into consideration conformance with the Comprehensive Plan, recognized principles of land use planning, landscape, architecture, the conservation and stabilization of the value of property, adequate open space for light and air, congestion of public streets, the promotion of public safety, morals, health, convenience and comfort and the general welfare of the persons shopping in the complex. In addition to the proposed use meeting the general requirements herein set forth, the Commission in recommending approval of a proposed use, may recommend certain conditions to be attached to such use which the Commission deems necessary in order to carry out the intent and purpose of this Title. Such conditions may increase the required lot or yard area, control the location and number of vehicular access points to the property, limit the number of signs, limit coverage or height of build-

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ings situated on said property because of obstruction to view and reduction of light and air to adjacent property, and require screening and landscaping where necessary to reduce noise and glare, and require that said property be maintained in accordance with the area surrounding same. After review of the Development plan by the Planning Commission, it shall be forwarded to the City Council, with its written recommendations, whether for approval or denial, whereupon the City Council may, after notice and public hearing as required by law, approve or disapprove such plan as reported, or may require such changes thereto as it deems necessary to effectuate the intent and purpose of this Chapter. Upon approval of the plan, the City Council shall then initiate a change in the zoning of the subject tract of land in accordance with law to the P-C District Classification. The Council may make the approval of the shopping center plan contingent upon the commencement of construction and improvements within a reasonable period of time; provided, however, that in the determination of such period, the Council shall consider the scope and magnitude of the project and any schedule or timetable submitted by the Developer. Failure to commence the construction and improvements within said period of time shall be deemed sufficient cause for the Council, pursuant to provisions of Chapter 15.05, to rezone the subject property to the classification effective at the time of original submission of the shopping center plan, unless an extension is recommended by the Planning Commission and approved by the Council for due

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cause shown. Any significant proposed change in the shopping center plan, after approval by the City Council, shall be re-submitted and considered in the same manner as the original proposal.

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CHAPTER 15.18

W-M

WHOLESALE MANUFACTURING

15.18.010 Statement of Intent: This district is intended to provide for the development of any manufacturing or industrial operations which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the community as a whole by reason of noise, dust, smoke, odor, traffic, physical appearance or other similar factors.

15.18.020 Principal Uses: The following principal uses shall be permitted outright in a Class W-M District; provided, however, if any permitted building or use would be hazardous, obnoxious, offensive or unsightly by reason of odor, sound, vibrations, radioactivity, electrical interference, glares, liquid or solid waste, smoke, or other air pollutants, said building or use shall be treated as a conditional use, subject to the issuance of a conditional use permit in accordance with the procedures set forth in Chapter 15.21:

01. Any use permitted in a Class C-3 District; provided, however, that it shall hereafter be unlawful for any building, structure, or any portion thereof, to be hereafter erected, converted, or moved onto any lot or portion thereof in a Class W-M District for dwelling purposes, except that living quarters may be furnished for watchmen or custodians of industrial properties.

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02. The manufacture, compounding, processing, packing and/or treatment of such products as bakery goods, candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries, and food products, exclusive of the rendering or refining of fats and/or oils.

03. The manufacture, compounding, assembly and/or treatment of articles of merchandise derived from previously prepared materials, specifically listed as follows:

- (a) Aluminum.
- (b) Bone.
- (c) Cellophane.
- (d) Canvas.
- (e) Cloth.
- (f) Coke.
- (g) Feathers.
- (h) Felt.
- (i) Fibre.
- (j) Fur.
- (k) Glass.
- (l) Hair.
- (m) Horn.
- (n) Leather.
- (o) Paper.
- (p) Plastics.
- (q) Precious or semi-precious metals or stones.
- (r) Rubber.
- (s) Shell.
- (t) Tin.

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- (u) Tobacco.
 - (v) Wood (excluding saw mills).
 - (w) Tars.
 - (x) Paint not involving a boiling process.
04. The manufacture of pottery and figurines, or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.
 05. The manufacture and maintenance of billboards and other commercial advertising structures.
 06. Foundry casting lightweight non-ferrous metal not causing noxious fumes or odors.
 07. Machine shops or other metal working shops, exclusive of drop hammers and other noise-producing machine-operated tools.
 08. Assembly of electrical appliances and equipment, electronic instruments and devices, radios, phonographs, television equipment, inclusive of the manufacture of small parts such as coils, condensers, transformers and crystal holders.
 09. Assembly of metal products.
 10. Manufacture of musical instruments, novelties, rubber and/or metal stamps and toys.
 11. Manufacture of optical goods, scientific and precision instruments, and equipments.
 12. The wholesale distribution of all standard types of prepared or packaged merchandise such as automobile supplies, drugs, electrical supplies, furniture, food products,

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hardware, leather goods, plumbing supplies, textiles, fabrics, and variety store merchandise.

13. Manufacture of medicines.
14. Building of marine pleasure craft.
15. Building materials and the storage thereof or sale yard thereof.
16. Bottling plants.
17. Cabinet and carpenter shops.
18. Manufacture and repair of coin machines.
19. Storage of contractor's equipment and offices for same.
20. Cold storage plants.
21. Creameries.
22. Electroplating shops.
23. Electric power generator and transformer stations or sub-stations.
24. Outlet and/or distribution of fuel supplies.
25. Welding.
26. Warehousing.
27. Distribution and/or outlet of wholesale merchandise.
28. Grain elevators.

15.18.030 Conditional Uses: The following conditional uses shall be permitted in a Class W-M District when authorized in accordance with the provisions hereinafter set forth in Chapter 15.21 of this Title:

01. Boiler works.

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02. Freight classification railroad yard.
03. Railroad repair shops.

15.18.040 Accessory Uses: The following accessory uses shall be permitted in a Class W-M District:

01. Uses of land or structure customarily incidental and subordinate to one of the principal uses, unless otherwise excluded.

15.18.050 Signs: Any sign permitted in a Class C-3 District shall be permitted in a Class W-M District, provided that billboards located in a Class W-M District shall be located therein in such a manner so as to be a distance of no less than one hundred fifty (150) feet from any lot in an abutting residential district, or school or park property.

15.18.060 Lot Size: The minimum lot size in a Class W-M District shall be as follows:

01. The minimum lot area shall be five thousand (5,000) square feet.
02. The minimum lot width at the front building line shall be fifty (50) feet.
03. The minimum lot depth shall be one hundred (100) feet.

15.18.070 Setback Requirements: The setback requirements for lots or parcels of land in a Class W-M District shall have a minimum yard dimension of thirty (30) feet for that side of such

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lots or parcels of land which face said residential district.

15.18.080 Height of Buildings: In a Class W-M District the maximum height of buildings therein shall not exceed seventy-five (75) feet, provided that any buildings therein located within one hundred fifty (150) feet of a residential district shall not exceed forty-five (45) feet in height; provided, further, that the height restrictions herein set forth shall not be applicable to grain elevators located within such Class W-M District.

15.18.090 Lot Coverage: In a Class W-M District buildings shall not occupy an area in excess of seventy percent (70%) of the total lot area upon which such buildings are located; provided, however, that buildings in such district which are located within one hundred fifty (150) feet of a residential district shall not occupy an area in excess of fifty percent (50%) of the total lot area upon which such buildings are located.

15.18.100 Performance Standards: Standards concerning performance of usage within this district are subject to the standards set forth below:

01. Subject to the foregoing, any industrial, distribution, or warehousing use may be permitted, provided that the following performance standards are followed:

(a) Air Emission: The standards and controls designated by the Iowa Air Pollution Control Commission concerning air emission shall be followed.

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(b) Vibration: Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the zone lot on which the use is located.

(c) Glare, Heat or Radiation: Every use shall be so operated that there is no emission of heat, glare or radiation visible or discernible beyond the boundary of the industrial site.

(d) Odor: The regular or periodic emission of odorous matter in such quantity as to be offensive at a point along or outside the property line shall not be permitted. In determining such quantities of offensive odors, Table III (Odor Thresholds) in Chapter 5 of the 'Air Pollution Abatement Manual' (Copyright 1951 by Manufacturing Chemists Association, Inc., Washington, D.D.) shall be used as a guideline.

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CHAPTER 15.19

G-M

GENERAL MANUFACTURING

15.19.010 Statement of Intent: The G-M District is intended and designed to provide areas of the City for activities and uses of a heavy industrial character. Since this is the least restrictive of any district, many uses are permissible. Therefore, in the best interest of the City, all uses in the G-M District shall be subject to final City Council approval or denial to insure that proper safeguards are taken. In addition, no residential uses are permitted, except as provided for in Chapter 15.10.

15.19.020 Principal Uses: The following principal uses shall be permitted outright in a Class G-M District:

01. Any use permitted in a Class W-M District; provided, however, that it shall hereafter be unlawful for any building, structure, or any portion thereof, to be erected, converted or moved into any lot or portion thereof in a Class G-M District for dwelling purposes, except that living quarters may be furnished for the use of watchmen or custodians of industrial properties.
02. Acetylene gas manufacture or bulk storage.
03. Acid manufacture.
04. Alcohol manufacture.
05. Manufacture of ammonia, bleaching powder, or chlorine.
06. Asphalt manufacture or refining.

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07. Boiler works.
08. Blast furnaces or coke ovens.
09. Brick, tile or terra cotta manufacture.
10. Cement, lime, gypsum or plaster of paris manufacture.
11. Chemical manufacture.
12. Concrete or cement products manufacture.
13. Distillation of bones.
14. Drop forge industries manufacturing forging with power hammers.
15. Explosives, their manufacture and storage.
16. Fat rendering, except as an incidental use.
17. Fertilizer manufacture.
18. Fish smoking, curing or canning.
19. Freight classification railroad yards.
20. Garbage, offal or dead animal reduction or dumping.
21. Gas manufacture.
22. Blue manufacture.
23. Iron or steel foundries, or fabrication plants and heavyweight casting.
24. Lamp black.
25. Oil cloth or linoleum manufacture.
26. Ore reduction.
27. Paper and pulp manufacture.
28. Paint, oil (inclusive of linseed oil), shellac, turpentine, lacquer, or varnish manufacture.
29. Petroleum products manufacture or wholesale.
30. Petroleum refining.

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31. Plastic manufacture.
32. Potash works.
33. Quarries or stone mills.
34. Railroad repair shops.
35. Rock, sand, or gravel and earth excavations and the crushing and distribution thereof.
36. Rolling mills.
37. Saw mills.
38. Slaughter of animals.
39. Smelting of tin, copper, zinc or iron ores.
40. Soap manufacture.
41. Sodium compounds manufacture.
42. Stock yards and feeding pens.
43. Stone polish manufacture.
44. Tannery or the curing or storage of raw hides.
45. Tar distillation or tar products.
46. Wool pulling or scouring.
47. Processing of junk, waste, discarded or salvaged materials, machinery, or equipment, inclusive of automobile dismantling and/or wrecking.

15.19.030 Accessory Uses: The following accessory uses shall be permitted in a Class G-M District:

01. Uses of land or structure customarily incidental and subordinate to one of the principal uses, unless otherwise excluded.

15.19.040 Signs: Any sign permitted in a Class W-M District shall

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be permitted in a Class G-M District; provided, that billboards located in a Class G-M District shall be located therein in such a manner so as to be a distance of no less than fifty (50) feet from any lot located in an abutting residential district or school or park property.

15.19.050 Lot Size: The minimum lot size in a Class G-M District shall be as follows:

01. The minimum lot area shall be five thousand (5,000) square feet.
02. The minimum lot width at the front of the building line shall be fifty (50) feet.
03. The minimum lot depth shall be one hundred (100) feet.

15.19.060 Setback Requirements: The setback requirements for lots or parcels of land in a Class G-M District located across the street from or abutting on a residential district shall require that such lots have a minimum yard dimension of thirty (30) feet for that side of such lots or parcels of land facing said residential district.

15.19.070 Height of Buildings: In a Class G-M District, the maximum height of buildings shall not be limited; provided, however, that any building located within one hundred fifty (150) feet of a residential district, park, or school shall not exceed forty-five (45) feet in height.

15.19.080 Lot Coverage: In a Class G-M District buildings shall not

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occupy an area in excess of seventy percent (70%) of the total lot area upon which such buildings are located; provided, however, that buildings in such district which are located within one hundred fifty (150) feet of a residential district shall not occupy an area in excess of fifty percent (50%) of the total lot area upon which such buildings are located.

15.19.090 Performance Standards: Standards concerning performance of usage within this district are subject to the standards as set forth below:

01. Subject to the foregoing, any industrial, distribution or warehousing use may be permitted, provided that the following performance standards are followed:

(a) Air Emission: The standards and controls designated by the Iowa Air Pollution Control Commission concerning air emission shall be followed.

(b) Vibration: Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the zone lot on which the use is located.

(c) Glare, Heat, or Radiation: Every use shall be so operated that there is no emission of heat, glare or radiation visible or discernible beyond the boundary of the industrial site.

(d) Odor: The regular or periodic emission of odorous matter in such quantity as to be offensive at a

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point along or outside the property line shall not be permitted. In determining such quantities of offensive odors, Table III (Odor Thresholds) in Chapter 5 of the 'Air Pollution Abatement Manual' (Copyright 1951 by Manufacturing Chemists Association, Inc., Washington, D.C.) shall be used as a guideline.

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CHAPTER 15.20

ACCESSORY USES

15.20.010 Home Occupations: The establishment and continuance of a home occupation shall be subject to the following requirements:

01. Such use shall be conducted entirely within a dwelling and carried on by the inhabitants thereof and no others.

02. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the residential character thereof.

03. The total area used for such purposes shall not exceed the equivalent of one-half (1/2) the floor area, in square feet, of the first floor of the user's dwelling unit, if any; otherwise, the main floor of such dwelling unit.

04. There shall be no advertising, display or other indications of home occupation on the premises, except the customary sign or nameplate for identification purposes only.

05. There shall not be conducted on the premises the business of selling stocks, supplies or products provided that incidental retail sales may be made in connection with other permitted home occupations.

06. There shall be no exterior storage on the premises of material used in home occupation.

07. There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line.

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08. A home occupation shall not include the following unless meeting the specified requirements of subsections 01 through 07 above:

- (a) Clinics or hospitals.
- (b) Funeral homes.
- (c) Nursing homes.
- (d) Barber shops or beauty parlors.
- (e) Tourist homes.
- (f) Antique shops.
- (g) Veterinarians' hospitals or offices.
- (h) Photography shops.
- (i) Uses similar to the foregoing excluded uses.

09. Application for a home occupation accessory use shall be made in the Planning Department. The application shall be reviewed by the Planning Commission at their next regular meeting and their recommendations shall be transmitted to the Board of Adjustment who shall approve or deny the application, based upon the criteria set out above and upon the recommendation of the Planning Commission.

15.20.020 Fences, Walls and Hedges: Fences, walls, or hedges used for any purpose shall in all districts conform to the following:

01. For the purpose of minimizing traffic hazards at street intersections by imposing visibility for converging vehicles, obstructions higher than thirty-six (36) inches above the adjacent top or curb elevation shall not be per-

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mitted to be planted, placed or erected on any corner lot within thirty (30) feet of said corner.

02. Within the Open Space, Residential and Business District, fences, walls, or hedges shall not exceed a height of three and one-half (3-1/2) feet in the front and side yards abutting and adjacent to a public street or avenue, and six (6) feet in the rear yard line except at intersections as provided in sub-section 01. hereof.

03. No barbed wire or other sharp, pointed fence or electrically charged fence shall be erected or maintained in any district, except by special permit issued by the Chief Building Official.

04. Within the industrial districts, fences, walls or hedges shall be limited to eight (8) feet in height on all yard lines, except at intersections as provided in sub-section 01. hereof.

05. Fences, walls, and hedges in any district may be located on lot lines.

15.20.030 Lighting Controls: Any light used for the illumination of signs, parking areas, swimming pools or for any other purpose shall be arranged in such a manner as to direct the light away from neighboring residential properties and away from the vision of passing motorists and pedestrians.

15.12.040 Yard Exceptions and Permitted Intrusions into Required Yards:

The following intrusions may project into required yards to the extent and under the conditions and limitations indicated:

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01. The following building features may project into the required front yard no more than six (6) feet and into the required side yards no more than three (3) feet, provided that such projections are no closer than three (3) feet to any side yard line:

(a) Chimneys and fireplaces.

(b) Porches, as defined in Chapter 15.03, platforms and landings which do not extend above the level of the first floor of the building.

02. The following building features may project into the required front yard no more than three (3) feet and into the required side yard no more than three (3) feet, provided that such projections are no closer than three (3) feet to any side yard line:

(a) Eaves, cornices, belt courses, leaders, sills, awnings, lintels, gutters, and other similar features.

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CHAPTER 15.21

CONDITIONAL USES

15.21.010 Description and Purpose: It is recognized that certain types of uses require special consideration and judgment in regard to location in a particular district. The reasons for requiring such special consideration involve, among other things, the size of the area required for the full development of such uses, the nature of the traffic problems incidental to operation of the use, the effect such uses have on any adjoining land use and on the growth and development of the community as a whole, and the promotion of public safety, morals, health, convenience, comfort, and welfare of the populace. All uses permitted conditionally are declared to be possessing such unique and special characteristics as to make impractical their being included as outright uses in any of the various districts herein defined. The purpose of review shall be to determine that the characteristics of any such use shall not be incompatible with the type of use permitted in surrounding areas, and for the further purpose of stipulating such conditions as may be reasonable so that the basic purpose of this Chapter shall be served. Nothing contained herein shall be deemed to require the Board of Adjustment to grant a Conditional Use Permit.

15.21.020 Application: An application for a Conditional Use or modi-

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fication of an existing conditional use shall be initiated by a property owner or his authorized agent by filing written application therefor on a form provided for such purposes in the office of the City Clerk. The application shall be accompanied by such information including but not limited to site and building plans, drawings and elevations, and operational data, as may be required to enable the pertinent criteria to be applied to the proposal. Also accompanying said application shall be a filing fee as specified in Chapter 15.25. The City Clerk shall immediately refer said application and site plans to the City Planning Director for presentation to the Board of Adjustment. Said Board may require other drawings or materials deemed essential in order to understand said proposed use and its relationship to surrounding properties. The City Clerk shall immediately refer copies of said application to the City Council. The City Planning Director, if he deems the application to be of a complex and/or controversial nature, shall refer copies of said application to the members of the Planning Commission.

15.21.030 Grant or Denial of Conditional Use or Modification Thereof By the City's Board of Adjustment:

After receipt of the application for a conditional use by the Board of Adjustment, and at the meeting of said Board to be held within thirty (30) days subsequent to receiving such application, the Board shall review and consider said application. In reviewing same, said Board shall consider the most appropriate use of the land conservation and stabilization of

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the value of the property; adequate open space for light and air, concentration of population; congestion of public streets, the promotion of public safety, morals, health, convenience, comfort, and general welfare of persons residing or working in the neighborhood, of such proposed use. In addition to such proposed use being required to meet the general requirements elsewhere set forth herein, the Board in granting approval of a proposed conditional use may set out certain conditions to be attached to such use which the Board deems necessary in order to carry out the intent and purpose of this Title. Such conditions may increase the required number of vehicular access points to the property, limit the number of signs, limit coverage or height of buildings situated on said property because of obstruction to view and reduction of light and air to adjacent property, and require that said property be maintained in accordance with the area surrounding same. The decision made by said Board shall be in writing, and except for good cause shown, shall be reached within ten (10) days after the hearing thereon. The Board shall maintain a complete record of all action taken by said Board, with reference to proposed conditional use or modifications thereof considered by said Board.

15.21.040 Notification of Decision: The Board of Adjustment shall notify the City Planning Director of the decision reached by said Board regarding the proposed conditional use or modification thereof, and said Planning Director shall, within five

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(5) days after receipt of such notification, notify the applicant in writing of the decision reached by said Board.

15.21.050 Standards Governing Conditional Uses: A conditional use shall ordinarily be required to be in compliance with the standards prescribed for principal uses permitted outright in the district concerned except as specifically modified by the Board of Adjustment in granting the conditional use, or as otherwise provided:

01. Setback: In any residential district the width of all front yards shall be more than two-thirds (2/3) the height of the principal structure situated on the individual lot or parcel of land located in said district. In other districts, yards may be increased over the required figure for uses permitted outright, when deemed necessary in order to meet the general objectives of conditional use control.
02. Height: The height limitations for buildings in any district may be exceeded by a conditional use.
03. Access and Openings: The board may limit or prohibit vehicular access from a conditional use to residential streets not designed as major streets on the City's street plan as officially adopted, and said Board may limit or prohibit openings in sides of buildings or structures permitted as a conditional use within fifty (50) feet of a residential district if the Board determines that such openings will cause glare, excessive noise, or other ad-

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verse effects on adjacent residential properties.

04. Signs: Signs permitted within a district wherein such conditional use is situated, or one (1) sign, indirectly illuminated, or non-illuminated, located on each side of such conditional use abutting a street or avenue, shall be permitted, whichever is less restrictive, shall be permitted. Such sign shall not exceed twenty (20) square feet in area, shall pertain to such conditional use only, and shall not be located in required yards.

15.21.060 Existing Conditional Uses: Changes in use, expansion or contraction of lot area, or alteration of structures or uses classified as conditional uses existing prior to the effective date of this Title shall conform to all regulations pertaining to conditional uses.

15.21.070 Revocation: The Board of Adjustment reserves the right to revoke a conditional use if the conditions specified for that use are not adhered to by the applicant and subsequent parties. Provided, however, that no conditional use shall be revoked without a public hearing. Written notice shall be given to the owner or contract purchaser at least five (5) days prior to said hearing.

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CHAPTER 15.22

NONCONFORMING USES AND STRUCTURES

15.22.010 Continuation of Use or Structure: A nonconforming use or structure in existence at the time of passage hereof may be continued; provided, however, that same shall not be altered or extended except as hereinafter provided in this Chapter.

15.22.020 Nonconforming Structures: A structure conforming as to use but nonconforming as to height, setback or coverage, may be altered or extended, provided the alteration or extension thereof shall not exceed the height, setback and coverage requirements elsewhere set forth in this Title.

15.22.030 Discontinuance of Nonconforming Use: If a nonconforming use is discontinued from active use for a period of six (6) months, the Planning Director shall issue a notice of public hearing to said property owners concerning future activity at such location. Said notice shall be issued in the eighth week of the two-month period. The Planning Commission shall conduct said hearing at their next regularly scheduled meeting. Notice of said hearing shall be advertised as specified in Chapter 15.24. Said Commission may recommend termination to the Board of Adjustment of the nonconforming use or may specify an extension period to be allowed for nonconforming usage of said structure. Hearing on such matter by the Board

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of Adjustment will be conducted at their first regular meeting following the Planning Commission recommendation.

15.22.040 Change of a Nonconforming Use: A nonconforming use involving a structure and the land or parcel of land upon which same is located and which abuts property not separated or divided by any public right-of-way, may continue under different ownership for a nonconforming building, purpose or land use. This section shall also stipulate that when the use of a building has been changed to a more nearly conforming use, such building shall not again be used for a less restrictive use or a use with a greater degree of nonconformity.

15.22.050 Destruction of a Nonconforming Use: Any nonconforming structure or building which has been damaged by any cause to an extent of more than sixty percent (60%) of the structure or building at the time of such damage or destruction, shall not be reconstructed unless the building or structure and the use conform with this Title. If less than sixty percent (60%) is damaged above the foundations, it may be restored, reconstructed or used as before, provided that such restoration is commenced within six (6) calendar months. If construction is not commenced within six (6) calendar months, the use of said land or structure shall thereafter conform with the provisions of this Title.

15.22.060 Completion of Pending Construction: Nothing contained in

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this Title shall be interpreted as requiring any change in the plans, construction, alteration or designated use of a building for which a building permit has been issued and the construction thereon commenced prior to the adoption of this Title, except that if the designated use will be nonconforming, same shall for the purpose of Section 51.22.030 be deemed to be a discontinued use, if not in operation within two (2) years of the date of issuance of said building permit.

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CHAPTER 15.23

OFF-STREET PARKING, LOADING AND UNLOADING

15.23.010 General Provisions: At the time of construction of a structure, or at the time of enlargement or change in use of a structure, a hard-surfaced parking area, other than a street or public way, shall be provided for use in the storage of passenger automobiles and commercial vehicles under one and one-half (1-1/2) tons capacity, whether for compensation, for a fee, or as an accommodation to clients or customers. Also, buildings or structures to be constructed or substantially altered and which will receive and distribute materials and merchandise by trucks, shall provide and maintain off-street loading and unloading berths, in sufficient number and size to adequately handle the needs of the particular use. Minimum off-street parking space and loading and unloading requirements shall be observed in accordance with the following provisions:

01. Each automobile parking space shall be not less than two hundred (200) square feet in area, with dimensions of ten (10) feet by twenty (20) feet. In addition, there shall be provided adequate entrance and exit driveways to connect each parking space with a street or alley open to use by the public, except where parking of vehicles by attendants is provided.

02. All such off-street parking facilities or loading

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facilities shall be so drained as to prevent damage to abutting properties and/or public streets, and shall be constructed of material which will assure a surface resistance to erosion.

03. Adequate lighting shall be provided if the parking facilities or loading facilities are used at night, based on lighting controls specified in Chapter 15.20.

04. No addition to an existing building shall be constructed which reduces the number of spaces, area or usability of existing parking or loading unless such building, and its addition, conform with the regulations for parking and loading contained herein.

05. Contractual agreements may be made between uses which generate parking demand at different intervals in such a manner that the requirements of more than one use may be met by the same space, provided the parking demand for each such use involved is in fact met.

06. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking or loading facilities shall be the sum of the requirements of the several uses computed separately.

07. Unless otherwise provided herein, required parking and loading or unloading spaces shall not be located in a required front yard with the exception of Class C-2 District Zones, but may be located within a required side or rear yard. All other required parking spaces shall be located a distance not to exceed four hundred (400) feet

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from the building or use which they are required to serve, measured in a straight line from the building.

08. Requirements of off-street parking or loading and unloading requirements for types of buildings and uses not specifically described in this Chapter shall be finally determined by the City Council, subsequent to the report and recommendation of the City Planning Commission.

09. Except for parking to serve residential use, parking and loading and unloading areas adjacent to or within residential districts or adjacent to residential uses shall be designed so as to minimize disturbance of residents by the erection, between the uses, of a sight-obscuring fence of not less than four (4) nor more than five (5) feet in height, except where vision clearance is required.

10. Parking spaces along the outer boundaries of a parking lot, shall be contained by a curb at least four (4) inches high or by a bumper rail and set back a minimum of three (3) feet from the property line.

11. All groups of more than two (2) parking spaces shall be so located and served by a driveway that their use will require no backing or other maneuvering within a street right-of-way other than an alley.

12. This Chapter shall not apply to a Planned Commercial (P-C) District as set forth in Chapter 15.17 hereof.

15.23.020 Submission of Plans: When required by the City Planning Director, a plan drawn to scale and indicating how the off-

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street parking or loading and unloading requirements are to be fulfilled shall accompany an application for a Building Permit. Said plan shall show all elements necessary to indicate fulfillment of said requirements, inclusive of the following:

01. Delineation of individual parking and loading spaces.
02. Circulation area necessary to serve spaces.
03. Access to streets and property to be served.
04. Curb cuts.
05. Dimensions, continuity, and substance of screening.
06. Grading, drainage, surfacing, and subgrading details.
07. Delineation of obstacles to parking and circulation in finished parking areas.
08. Specifications as to signs, and bumper guards.
09. All other pertinent details including dimensions of ingress and egress and driveway area.

15.23.030 Completion Time for Parking Lots: Required parking spaces shall be improved as required and made available for use before the final inspection is completed by the Building Official. An extension of time may be granted by the Building Official provided a performance bond or its equivalent is posted, equaling the cost of completing the improvement as estimated by the Building Official, and provided the parking space is not required for immediate use. In the event the improvement is not completed within one (1) year's time from date of commencement, the bond or its equivalent shall be forfeited and the improvements thereafter constructed or completed under

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the direction of the City of Council Bluffs, Iowa, acting by and through its duly authorized representatives.

15.23.040 Parking Spaces Required: The number of off-street parking spaces required shall be no less than as set forth in the following:

<i>USE</i>	<i>PARKING SPACE REQUIRED</i>
01. Residential Types	
(a) Dwelling, single-family and mobile homes	One (1) space for each dwelling unit.
(b) Dwelling, two-family and multiple	One and one-half spaces for each dwelling where fractioned, next highest full unit.
(c) Hotels	One (1) space for every three (3) guest rooms
(d) Motels, motor hotels	One (1) space for every guest room.
(e) Board or rooming houses	Four (4) spaces for every five (5) guest rooms
(f) Fraternities, sororities and dormitories	One (1) space for every three (3) occupants, for which sleeping facilities are provided.
02. Institutional Types	
(a) Hospitals	One and one-half spaces for every bed.
(b) Convalescent hospitals, rest and nursing homes, sanitariums, homes for the aged	One (1) space for every three (3) beds.
(c) Welfare or correctional institutions	One (1) space for every four (4) beds.
(d) Churches.	One (1) space for every six (6) seats or ten (10) feet of bench length in main auditorium.

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- (e) Elementary or Junior High
One and one-half spaces for every teaching position plus one for every six fixed seats or every forty-two (42) square feet of seating area where there are no fixed seats in auditorium or assembly hall.
- (f) High School.
One and one-half spaces for each teaching position, plus one for each three fixed seats or for every twenty-five square feet of seating area where there are no fixed seats in auditorium.
- (g) College.
One (1) space for every three (3) full time equivalent student.
- (h) Clubs and Lodges.
Spaces to meet the combined requirements for the use being conducted.
03. Places of Public Assembly (Exclusive of C-3 District)
- (a) Theaters.
One (1) space for every four (4) audience seats.
- (b) Sports arena, auditorium.
One (1) space for every five (5) audience.
- (c) Dance halls, skating rinks
One (1) space for every seventy-five (75) square feet of gross floor area.
- (d) Bowling Alleys.
Four (4) spaces for every bowling lane.
- (e) Libraries, museums.
One (1) space for every two hundred fifty (250) square feet of gross floor space.
- (f) Mortuaries.
One (1) space for every six (6) seats or twelve (12) feet of bench length in main auditorium.

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04. Service and Public Assembly
(Exclusive of C-3 District)
- (a) Theaters. One (1) space for every four (4) audience seats.
 - (b) Sports arena and auditoriums. One (1) space for every five (5) audience seats.
 - (c) Dance halls, skating rinks. One (1) space for every seventy-five (75) square feet of gross floor area.
 - (d) Bowling Alleys. Four (4) spaces for each bowling alley.
 - (e) Libraries, museums. One (1) space for every two hundred fifty (250) square feet of gross floor area.
 - (f) Mortuaries. One (1) space for every six (6) seats or twelve (12) feet of bench length in main auditorium.
05. Service and Retail Sales
(Exclusive of C-3 District)
- (a) Retail sales, except as otherwise specified herein. One (1) space for every two hundred (200) square feet of gross floor area.
 - (b) Retail sales, including bulky merchandise, household furniture, appliances, motor vehicles, lumber, farm machinery, etc. One (1) space for every seven hundred (700) square feet of gross floor area.
 - (c) Banks and professional offices, exclusive of those listed in subparagraph (d) hereof. One (1) space for every four hundred (400) square feet of gross floor area, plus space per two (2) employees.
 - (d) Medical and dental offices. One (1) space for every two hundred (200) square feet of gross floor area, plus one (1) space per two (2) employees.

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- (e) Eating and/or drinking establishments. One (1) space for every one hundred (100) square feet of gross floor area.
- (f) Barber shops and beauty parlors. One (1) space for every seventy-five (75) square feet of gross floor area.

06. Industrial Types

- (a) Industrial usage in the W-M and G-M Districts, except as specifically mentioned herein. One (1) space for every five hundred (500) square feet of gross floor area.
- (b) Wholesale and storage operations. One (1) space for every seven hundred (700) square feet of gross floor area.
- (c) Laboratories and research facilities. One (1) space for every three hundred (300) square feet of gross floor area.
- (d) Machinery or equipment. One (1) space for every five hundred (500) square feet of gross floor area.

15.23.050 Loading Berths Required: The number of loading and unloading berths required shall be no less than as set forth in the following:

01. The following standards shall be used in determining the minimum number of berths which will be required:

<i>NUMBER OF BERTHS.</i>	<i>GROSS FLOOR AREA OF THE BUILDING IN SQUARE FEET</i>
One (1)	Up to 20,000
Two (2)	20,000 to 50,000

02. For each additional fifty thousand (50,000) square feet of gross floor area, one (1) additional berth shall

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be provided. For stores having up to five thousand (5,000) square feet of gross floor area, regular off-street parking areas may be used to meet the off-street loading and unloading requirements herein set forth.

03. Loading and unloading berths shall each contain at least three hundred fifty (350) square feet measuring ten (10) feet in width and thirty-five (35) feet in length, and shall have a clearance of at least fourteen (14) feet. When vehicles generally used for loading and unloading purposes exceed these dimensions, the required length of such berths shall be correspondingly increased.

04. Access to loading and unloading berths shall be from alleys, where same exists.

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CHAPTER 15.24

BOARD OF ADJUSTMENT

15.24.010 Creation and Membership: The Board of Adjustment is hereby extended. Said Board shall consist of five (5) members to be appointed by the Mayor, each to be appointed for a term of five (5) years, excepting that when said Board shall first be created, one (1) member shall be appointed for a term of five (5) years, one (1) member shall be appointed for a term of four (4) years, one (1) member shall be appointed for a term of three (3) years, one (1) member shall be appointed for a term of two (2) years, and one (1) member shall be appointed for a term of one (1) year. The Board shall elect its own Chairman at the first meeting thereof held each year, for a term of one (1) year. Members may be removed for cause by the City Council upon written charges and public hearing being held. Vacancies shall be filled for the expired term of any member whose term becomes vacant. In the event the Mayor shall fail to appoint a new member to fill the expiring term of an old member of the Board, the old member shall hold over and continue to serve as a member of the Board pending the appointment of a new member thereto by the Mayor.

15.24.020 Board Meetings: Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Meetings shall be held at least once a month while there are appeals pending before said Board. Upon the

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written request of three (3) members, the Chairman shall call a special meeting. Such Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its hearings and other official actions, one (1) copy of which shall be filed in the office of the City Planning Director, who shall serve as staff advisor to the Board. The Planning Director shall maintain a permanent file of said records, all of which shall be a public record. The Board shall adopt rules of procedure in accordance with the provisions of this Title. The presence of three (3) members of said Board at a meeting shall be necessary to constitute a quorum. Any interested persons shall be notified by regular United States mail of any decisions of said Board.

15.24.030 Powers of Board of Adjustment: The Board of Adjustment shall have the following powers:

01. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official or Building Official in the enforcement of this Title or any other ordinances, rules or regulations adopted pursuant thereto.
02. To authorize upon appeal in such variance from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of such provisions will result in unnecessary

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hardship, and so that the spirit shall be observed and substantial justice done.

03. The Board may attach conditions to an authorized variance which said Board feels are necessary to protect the public interest and the purpose hereof.

04. To adopt from time to time such rules and regulations as may be deemed necessary to carry into effect the provisions hereinbefore set forth.

05. To authorize conditional uses in accordance with the provisions set forth elsewhere herein.

15.24.040 Appeals to Board of Adjustment: Appeals to the Board may be taken by any person or organization aggrieved, or by an officer, department, board or bureau of the municipality affected by any decision of the Building Official. Such appeals shall be taken within thirty (30) days after said decision and shall be taken by the filing of a written Notice of Appeal, together with a filing fee as specified in Chapter 15.25, with the Board of Adjustment. Said Appeal shall contain the following information:

01. The legal description and common address of the property involved.
02. Grounds and reasons for the appeal.
03. A plat, drawn to scale, preferably by an engineer, showing the property involved, the property lines, existing buildings and improvements and proposed construction.
04. The nature of relief requested to be granted by the Board.

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05. Names of the owners of the property involved, together with their addresses.

06. Order or decision from which such appeal is taken. Such appeal shall be treated as an equitable proceeding and the failure of the written notice to contain all the above enumerated items relating to such appeal shall not void such appeal.

15.24.050 Effect of Appeal to Board: An appeal to said Board shall have the effect of staying all proceedings in furtherance of the action appealed from, unless the officer from whom said appeal is taken shall certify to said Board after Notice of Appeal shall have been filed with him that by reason of facts stated in such certificate, such stay would in his opinion cause imminent peril of life and/or property. In such case, proceedings shall not be stayed other than an order which may be granted by said Board or by a restraining order of injunction on application, and on notice to the officer from whom said appeal is taken and for due cause shown.

15.24.060 Public Hearings and Notice Thereof: Notice of Public Hearing shall be published at least five (5) days prior to the date set for hearing before said Board, in a local newspaper of general circulation within the City. Said notice shall contain the legal description of the property involved, its common address, the names of the owners thereof, the action requested by the Board and the time and place set for hearing. The aforesaid information shall also be posted on signs at the

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front and side yards of the property. Said signs shall be furnished by the Planning Department and posted by the property owner at least five (5) days prior to the date set for hearing before said Board; provided, however, failure to post shall not invalidate said proceedings. At the public hearing on said appeal, any interested persons may appear and give testimony concerning said appeal. Said hearing shall be open to the public and the Board, in its discretion, may recess any hearing in order to obtain any additional information or to serve further notice upon other property owners who may be involved.

15.24.070 Decision by Board of Adjustment: In exercising the powers hereinbefore granted, said Board may, in conformity with the provisions hereof, reserve or affirm, wholly or partially, or may modify any orders, requirements, decisions or determinations as ought to be made to the end of exercising all the powers of the officer from whom such appeal is taken.

15.24.080 Appeal from Decision of Board: Any person or persons or organizations aggrieved by any decision of said Board made under the provisions of this Title may appeal such decision to a court of competent jurisdiction, said appeal to be taken in accordance with the provisions of Chapter 414 of the 1971 Code of Iowa.

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CHAPTER 15.25

FEEES

15.25.010 Fees for Application: A fee in accordance with the fee schedule set out below shall be charged for each petition or application for rezoning, conditional usage or appeal to the Board of Adjustment concerning any property within the area in which the City of Council Bluffs has lawful authority to hold jurisdiction.

15.25.020 Zoning and Conditional Use Fees: Fees for petitions and applications requesting a rezoning or conditional use shall be in accordance with the fee schedule set forth below. In addition to said initial filing fee, an assessment of Two Dollars (\$2.00) per acre (over one (1) acre) shall be levied for all zoning changes to, or conditional use of A-1, A-2, R-1, R-2, R-3, and R-4 Districts. An assessment of Three Dollars (\$3.00) per acre (over one (1) acre) shall be levied for all zoning changes to, or conditional usage of C-1, C-2, C-3, W-M and G-M Districts. An assessment of Four Dollars (\$4.00) per acre (over one (1) acre) shall be levied for all zoning changes to or conditional usage of P-R, and P-C Districts.

01. Any change to or conditional use of:

A-1, A-2, R-1 and R-2	\$ 65.00
R-3, R-4, C-1 or C-2 Districts	\$ 80.00
C-3, W-M or G-M Districts	\$ 95.00

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02. Any change to, or conditional use of P-R and P-C

Districts:

(a) Stage 1 - Pre-preliminary \$115.00

(b) Stage 2 - Preliminary \$ 50.00

(c) Stage 3 - Final Approval \$ 30.00

03. All acreage assessments applicable to Zones A-1 through G-M shall become effective upon final approval of said change; all acreage assessments applicable to the P-R District shall become effective upon final approval of Stage 3; and all acreage assessments applicable to the P-C District shall become effective upon final approval of Stage 2.

04. The above filing fees and acreage assessments are levied to cover costs of filing procedures.

15.25.040 Fee Responsibility: The applicant shall be held responsible for submitting the required filing fee upon completion and submission of application.

15.25.050 Fee Refund: Whether the request is granted or denied by either or both the Planning Commission, City Council or the Board of Adjustment, the applicant shall not be entitled to the refund of the initial fee paid.

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CHAPTER 15.26

ADMINISTRATION, ENFORCEMENT AND INTERPRETATION

15.26.010 Compliance: It shall be unlawful for any building, structure or premises situated within the City of Council Bluffs, Iowa, to hereafter be used or occupied or any portion thereof to be erected, moved, reconstructed, extended, enlarged or altered in any manner contrary to the provisions of this Title.

15.26.020 Enforcement: The City Manager, through the Building Official, unless delegated to another person by written Memo, shall have the power and duty of enforcing the provisions of this Title. An appeal from a ruling of said enforcer may be made to the Board of Adjustment when deemed necessary by any person or organization aggrieved by such ruling.

15.26.030 Review: The provisions of this Title shall be subject to review by the City's Planning Commission at least once every five (5) years. After such review, the recommendation and suggestions of said Planning Commission shall be forwarded to the City Council for appropriate action.

15.26.040 Time Limit on a Permit for Conditional Use: A building permit issued for a conditional use or for a use involving a variance shall be void after one (1) year, if no substantial construction has taken place within said period.

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15.26.050 Interpretation: The provisions of this Title shall be held to the minimum requirements fulfilling its objectives. Where the conditions imposed by any provision of this Title are less restrictive than comparable conditions imposed by any other provisions of this Title, or of any other Ordinance, Resolution, Rule or Regulation of this City, the provisions which are more restrictive shall govern.

15.26.060 Severability: The provisions of this Title are hereby declared to be severable. If any section, sentence, clause or phrase of this Title shall be adjudged by any court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Title.

15.26.070 Penalties: Any person violating any of the provisions contained in this Title shall, upon conviction, be punished by a fine not to exceed One Hundred Dollars or by imprisonment in jail for a term not to exceed thirty (30) days, and such persons shall be deemed guilty of a separate offense for each day during which such violation shall continue.

15.26.080 Repeal of conflicting Ordinances: That City Ordinance No. 3715, Passed and Approved March 22, 1965 by the City Council of the City of Council Bluffs, Iowa, as now set forth in and constituting Title 15 ZONING of the Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby specifically repealed, and all other Ordinances, Rules and Regulations, or portions thereof, in conflict herewith, be and the same are

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hereby repealed.

15.26.090 Force and Effect: That this Ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

Passed
and
Approved *March 6,* 1972

J. M. [Signature]
Mayor

Attest: *Elmer F. Westphal*
Elmer F. Westphal City Clerk